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ABSTRACT

The 73 papers in this collection were presented at the 1981 Summer Argumentation Conference, the purpose of which was to bring together interested scholars to discuss recent developments and research in argumentation. The four primary areas of study considered at the conference--argument, argumentation and forensics, philosophy and argument, and argumentation in interpersonal and small group communication--are used to categorize the papers according to their subject matter. The topics discussed in the papers include the following: (1) sociocultural notions of argument fields; (2) jurisprudential origins and applications of presumption and burden of proof; (3) the genesis of argumentative forms and fields; (4) a critical evaluation of debate paradigms; (5) the role of argumentative analysis in individual events; (6) value resolutions, presumption, and stock issues; (7) argument, group influence, and decision outcomes; (8) argument as a metaphor for negotiating social relationships; (9) the role of advocacy in small group discussion; (10) saving the public sphere through rational discourse; (11) a discussion of the presuppositions contributing to the ideal speech situation; (12) senses of argument; and (13) debating value propositions. (RL)

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DIMENSIONS OF ARGUMENT:

PROCEEDINGS OF THE SECOND SUMMER CONFERENCE ON ARGUMENTATION

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Edited by

George Ziegelmueller
Wayne State University

and

Jack Rhodes
University of Utah

Sponsored by the Speech Communication Association
and the American Forensic Association

Hosted by the University of Utah
July 30 - August 2, 1981
at Rustler Lodge, Alta, Utah

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PREFACE

On July 30, 1981, scholars from across the nation gathered at the Rustler Lodge in Alta, Utah for the second SCA/AFA Summer Argumentation Conference. As with the first argumentation conference in 1979, the University of Utah once again hosted the four day meeting.

The purpose of the Conference was to bring together interested scholars to discuss recent developments and research in argument. Four primary areas of study were considered: fields of argument, argumentation and forensics, philosophy and argument, and argumentation in interpersonal and small group communication. With the permission of the authors, most of the papers presented at the conference are included in this volume.

The strong support given to the Summer Conference by Malcolm O. Sillars, Speech Communication Association President and Dean of the College of Humanities at the University of Utah, and by Gerald Sanders, President of the American Forensic Association, were important to the success of the undertaking. Also making special contributions to the Summer Conference were the program planners: Robert Cox, Dennis Gouran, Leonard Hawes, Lucy Keele, Raymond McKerrow, Donn Parson, Joseph Wenzel, and David Zarefsky. Our thanks go to all of these and to each of the participants for their thoughtful contributions. We would also like to thank Jackie Byrd and Claudia Knell for their invaluable help in manuscript preparation and proof-reading.

George Ziegelmueller
Jack Rhodes

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Summer Conference on Argumentation

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Steve Alderton	Wayne State University
Dennis Alexander	University of Utah
Ken Andersen	University of Illinois
Michael Bartanen	Pacific Lutheran University
Bill Benoit	Bowling Green State University
Pamela Benoit	Bowling Green State University
Lewis Bright	Humboldt State University
Brant Burleson	State University of New York/Albany
John Campbell	University of Washington
Dan Canary	University of Southern California
Maurice Charland	Concordia University
Martha Cooper	Penn State University
Robert Cox	University of North Carolina
John Crawford	Arizona State University
Debbie Dixon	University of Utah
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Nancy Dunbar	Penn State University
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Richard Enos	Carnegie-Mellon University
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Walt Fisher	University of Southern California
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Austin Freeley	John Carroll University
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Tim Grainey	University of Minnesota
Bruce Gronbeck	University of Iowa
Dale Hample	Western Illinois University
C. T. Hanson	North Dakota State University
Joe Hardin	University of Illinois
Leonard Hawes	University of Utah
James Hayes	Gustavus Adolphus College
Anne Holmquest	University of Iowa
Tim Hynes	University of Louisville
Sally Jackson	University of Nebraska/Lincoln
Scott Jacobs	University of Nebraska/Lincoln
Jack Kay	University of Nebraska/Lincoln
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Lucy Keele	California State University/Fullerton
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James Klumpp	University of Nebraska/Lincoln
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Suzanne Larson	Humboldt State University
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Brenda Logue	Towson State University
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John Lyne	University of Iowa
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Thomas McClain	New Trier High School
Michael McGee	University of Iowa
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Jack Parker	Northern Illinois University
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Jack Rhodes	University of Utah
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Daniel Rohrer	Boston College
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Kenneth Salter	Attorney, Berkeley, California
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Larry Schnoor	Mankato State University
Jan Schuetz	University of New Mexico
Marjorie B. Scott	Lower Merion High School
Randy Scott	Weber State College
Dave Seibold	University of Illinois

Charles Shafer	University of Baltimore
Malcolm Sillars	University of Utah
Michael Smilowitz	University of Utah
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David Thomas	University of Houston
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Robert Weiss	DePauw University
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Molly Wertheimer	Pennsylvania State University
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Mary Louise Willbrand	University of Utah
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George Ziegelmueller	Wayne State University
Renee Zundel	University of Utah

CONFERENCE PROGRAM

Second SCA/AFA Summer Conference on Argumentation

Rustler Lodge
Alta, Utah
July 30-August 2, 1981

Sponsors: Speech Communication Association and American Forensic Association

Host: University of Utah

Conference Committee:

Director:	George Ziegelmueller, Wayne State University
Host:	Jack Rhodes, University of Utah
Fields of Argument:	J. Robert Cox, University of North Carolina David Zarefsky, Northwestern University
Forensics and Argument:	Lucy Keele, California State University, Fullerton Donn W. Parson, University of Kansas
Argumentation in Small Group and Interpersonal Communication:	Dennis S. Gouran, Indiana University Leonard Hawes, University of Utah
Philosophy and Argument:	Raymond E. McKerrow, University of Maine Joseph Wenzel, University of Illinois
For the American Forensic Association:	Gerald Sanders, Miami University, President
For the Speech Communication Association:	Malcolm O. Sillars, University of Utah, Immediate Past President

Local Arrangements:

- Jackie Byrd, University of Utah
- Tauni Feller, Rustler Lodge
- Patricia M. Ganer, Cypress College
- Claudia Knell, University of Utah
- Hal Woolley, Rustler Lodge

1981 SCA/AFA SUMMER ARGUMENTATION CONFERENCE

SCHEDULE

Thursday, July 30

4:00 Opening Session
*Address Stephen Toulmin, University of Chicago

Friday, July 31

9:00-12:20 Group Sessions

A. Interpersonal/Small Group
"Pragmatic Analysis of Argumentation in Reasoning Discourse"
Chair: Leonard Hawes, University of Utah

"Child Reason in Supplicatory Discourse: Rules to be Refined," Mary Louise Willbrand, University of Utah
"Adult Reasons in Supplication: Nondebaters vs. Debaters; Nontraditional vs. Traditional," Richard D. Rieke, University of Utah
"'I Gotta Lesson You': Childish Arguments," Norman Elliott, University of Utah

B. Philosophy
"Argumentation Theory and Legitimation Crises"
Chair: Raymond E. McKerrow, University of Maine

"Rhetoric and the Problem of Legitimation," John Louis Lucaites, University of Missouri
*"Legitimation Crises and Contemporary Society," Joseph Hardin, University of Illinois
*"Political Communication as Legitimation Ritual," Michael McGee, University of Iowa

C. Forensics
"Academic Debate: A Further Look at Basic Concepts"
Chair: Lucy Keele, California State University--Fullerton

"On 'Being Reasonable': The Last Refuge of Scoundrels," Donn W. Parson, University of Kansas
"Counterplan Competitiveness in the Stock Issues Paradigm," John Gossett, North Texas State University
"A Re-examination of the Concept of Significance," Tim Hynes, University of Louisville
"Determining What Arguments Are Critical," Walter Ulrich, University of Alabama

10:40-12:15 Group Sessions

A. Interpersonal/Small Group
"The Relationship of Argument to the Achievement of Task Objectives in Groups"
Chair: Dennis S. Gouran, Indiana University

"Argument, Group Influence, and Decision Outcomes," David R. Seibold, University of Illinois; Robert D. McPhee, University of Illinois; Marshall Scott Poole, University of Illinois; Nancy E. Tanita, University of Southern California; and Daniel J. Canary, Azusa Pacific University
"The Budget Expenditure Reduction Process: Its Effect on the Argumentation and Decision-Making of Elected Officials," Carl M. Moore, Kent State University
"A Processual Analysis of Argumentation in Polarizing Groups," Steven Alderton, Wayne State University

B. Forensics
"Argumentation and Individual Events: A Theoretical Probe"
Chair: Larry Schnoor, Mankato State University

"Argumentative Goals of Individual Events: An Attempt At Definition," Paul Gaske, University of Oregon
"Predominant Forms of Argument in Individual Events," Suzanne Larson, Humboldt State University and Sean O'Rourke, Humboldt State University
"The Role of Argumentative Analysis in Individual Events," William Benoit, Bowling Green State University
"Evidentiary Concerns in the Community of Individual Events," Jack Kay, University of Nebraska-Lincoln
"A Search for an Appropriate Argumentative Paradigm," C. T. Hanson, North Dakota State University

C. Fields
"A Research Program for Investigating Argument Fields"
Chair: Richard Rieke, University of Utah

"Investigating Legal Argument as a Field," Richard Rieke, University of Utah
"Investigating Religious Argument as a Field," Malcolm O. Sillars, University of Utah
"Investigating Policy Argument as a Field," J. Robert Cox, University of North Carolina

2:00-3:20 Group Sessions

A. Philosophy
"Critical Analysis and Argumentation"
Chair: Walter Fisher, University of Southern California

"Arguing As 'Speaking a Language': Semiotic Consistency," John R. Lyne, University of Iowa
"Saving the Public Sphere through Rational Discourse," Robert Pryor, University of Illinois
"Rhetoric as Source of Legitimacy: The Nation-State and the Myth of Quebec National Identity," Maurice Charland, Concordia University

B. Small Group and Interpersonal
"A Discourse Analytic Approach to Interpersonal Argumentation: Methods, Models, and Findings"
Chair: Leonard Hawes, University of Utah

*"Discourse Analytic Approach to Argumentation: Methods and Models," Scott Jacobs, University of Nebraska-Lincoln
*"Discourse Analytic Approach to Argumentation: Findings and Theory," Sally Jackson, University of Nebraska-Lincoln
*"Argumentation, Formulation, Characterization: More Findings," Leonard Hawes, University of Utah

C. Fields
"Research Studies in the Theory of Legal Argument"
Chair: Jack Kay, University of Nebraska-Lincoln

"Jurisprudential Origins and Applications of Presumption and Burden of Proof," Daniel M. Rohrer, Boston College
"An Empirical Investigation of Argumentative Strategies Employed in Supreme Court Opinions," William Benoit, Bowling Green State University
"Policy Advocacy in the Legal Setting: A Case Analysis," David A. Ling, Central Michigan University

3:40-5:20 Group Sessions

A. Competitive Papers Potpourri
Chair: Steven Alderton, Wayne State University

"The Genesis of Argumentative Forms and Fields," Jan Schuetz, University of New Mexico
"The Role of Advocacy in Small Group Discussion," Alice Donaldson, Purdue University
"The Use of Argument by Pre-school Children: The Emergent Production of Rules for Winning Arguments," Pamela Benoit, Bowling Green State University

B. Fields
"Field-Dependent Conceptions of 'Reasonableness'"
Chair: Thomas Farrell, Northwestern University

"Lost Arguments: Fields as Fashion," G. Thomas Goodnight, Northwestern University
"'Reasonableness' in Public Policy Arguments: Fields as Institutions," David Zarefsky, Northwestern University
"Historical Reason: Field as Consciousness," John A. Campbell, University of Washington
"Good Reasons: Field and Genre," Walter Fisher, University of Southern California

C. Philosophy
"Argument, Philosophy, and Rhetoric: Some Modern Views Revisited"
Chair: Kenneth Andersen, University of Illinois

"Johnstone's Versions of Rhetoric," Molly Wertheimer, Pennsylvania State University
"What is a Good Argument," Dale Hample, Western Illinois University
"Dramatism and Argument," Charles Kneupper, Southwest Texas State University

Saturday, August 1

9:00-10:20 Group Sessions

A. Interpersonal and Small Groups
"Factors Influencing Receptivity to Arguments in Problem-Solving and Decision-Making Groups"
Chair: Dennis S. Gouran, Indiana University

"Hueristic and Eristic Rhetoric in Small Group Interaction: An Examination of Quasi-Logical Argument," Richard L. Enos, Carnegie-Mellon University
"Cognitive Sources of Inferential Error and the Contributing Influence of Interaction characteristics in Decision-Making Groups," Dennis S. Gouran, Indiana University

B. Philosophy
"The Ideal Speech Situation: A Critical Examination"
Chair: Michael McGee, University of Iowa

"The Ideality of Meaning of Argument: A Revision of Habermas," Thomas Farrell, Northwestern University

"The Ideal Speech Situation: An Analysis of Its Presuppositions," Susan Kline, University of Pittsburgh
"The Ideal Speech Situation and Its Critics," Joseph Wenzel, University of Illinois

C. Fields
"Legal Argument: A Thing Unto Itself?"
Chair: M. Jack Parker, Northern Illinois University

"The Unique Role of Language in the Judicial Process: After-the-Fact Classification of Human Behavior," M. Jack Parker, Northern Illinois University
"A Situational Perspective for the Study of Legal Argument: Case Study of Brown vs. Board of Education," Nancy Dunbar, Pennsylvania State University
"'Think Like a Lawyer': Valid Law School Admonition?" Charles Shafer, University of Baltimore Law School
"Changing Modes of Argumentation through the Stages of a Jury Trial," Kenneth Salter, San Jose State University and Attorney-at-Law

10:40-12:15 Group Sessions

A. Forensics
"Current Issues in Academic Debate"
Chair: Donn W. Parson, University of Kansas

"Judging Paradigms: The Impact of the Critic on Argument," Austin Freeley, John Carroll University
"Debate Paradigms: A Critical Evaluation," Robin Rowland, University of Kansas
"Counter-warrants: An Idea Whose Time Has Not Come," Patricia Ganer, Cypress College
"A Defense of the Counter-warrant as a Negative Argument," Jack Rhodes, University of Utah
"The Re-union of Argumentation and Debate Theory," G. Thomas Goodnight, Northwestern University

B. Philosophy
"The 'Senses of Argument': Extensions and Limitations"
Chair: Charles Willard, University of Pittsburg

"Senses of Argument Revisited: Projegomena to Future Characterizations of Argument," Brant Burleson, Purdue University
"Senses of Argument: Uses and Limitations of the Concept," Raymond E. McKerrow, University of Maine

C. Interpersonal and Small Groups
"Culture, Communication and Discourse: Argumentation as Organizing"
Chair: Leonard Hawes, University of Utah

*"Strategic Interaction Among Police: Influencing, Persuading, Arguing, Busting Heads," Michael Pacanowsky, University of Utah and Thomas Walker, University of Utah

"Negotiating the Role of Friend," Dennis C. Alexander, University of Utah and Sara E. Newell, University of Utah

12:30 Luncheon

*Speaker: Malcolm O. Sillars, Immediate Past President
Speech Communication Association

2:00-3:20 Group Sessions

A. Philosophy
"The Interaction of Argument and Ethics"
Chair: Joseph W. Wenzel, University of Illinois

"Deep Rhetoric: A Substantive Alternative to Consequentialism in Exploring the Ethics of Rhetoric," Charles Follette, Black Hills State College

"The Rawlsian Argument for a Model of Developing an Ethic," Kenneth Andersen, University of Illinois

"Debating Value Propositions: A Game for Dialecticians," Walter Fisher, University of Southern California

B. Forensics
"Values and Argument"
Chair: Lucy M. Keele, California State University-Fullerton

"Propositions of Value: An Inquiry into Issue Analysis and the Locus of Presumption," Ronald Matlon, University of Arizona

*"There Must Be Fifty Ways to Argue Values," Tim Grainey, University of Minnesota, Jan Vasilius, Macalester College and Sally Murphy, University of Minnesota

"Value Resolutions, Presumption, and Stock Issues," David Thomas University of Houston and Maridell Fryar, Midland Independent School, Midland, Texas

C. Interpersonal/Small Group
"Argument as a Source of Relational Influence in Groups"
Chair: Dennis S. Gouran, Indiana University

"Argument as a Metaphor for Negotiating Social Relationships," B. Aubrey Fisher, University of Utah

"Topical Invention and Group Communication: Towards a Sociology of Inference," Michael C. Leff, University of California-Davis and Dean E. Hewes, University of Wisconsin-Madison

3:40-5:30 Group Sessions

A. Fields
"Theoretical Perspective on Argument Fields"
These papers should be read in advance of this session. Panelists will respond to arguments advanced in the papers.
Chair: George Ziegelmueller, Wayne State University

"Socio-Cultural Notions of Argument Fields," Bruce Gronbeck, University of Iowa
"Field Theory: A Cartesian Mediation," Charles Willard, University of Pittsburgh
"A Dramatistic Approach to Fields," James F. Klumpp, University of Nebraska-Lincoln
"Fields of Argument," Robert Rowland, University of Kansas
"Argument Fields: Some Social Constructivist Observations," Charles Kneupper, Southwest Texas State University

B. Forensics
"The Application of Argument in Individual Events"
Chair: C. T. Hanson, North Dakota State University

"Ways that Argument May Be Applied in the Oral Interpretation Events," Kathleen Oisen, St. Olaf College
"In What Ways Is Argument Applied in the Non-prepared Speech Events?" James W. Pratt, University of Wisconsin-River Falls
"In What Ways Is Argument Applied in the Prepared Speech Events?" Brenda Logue, Towson State University
*"Do Performance Standards in Individual Events Necessitate an Understanding of Argumentation?" Randolph Scott, Weber State College
"Do Judging Standards in Individual Events Reflect an Argumentation Perspective?" Bruce Manchester, George Mason University and Sheryl Friedley, George Mason University
"Are New Events Needed to Enhance a Laboratory Experience in Argumentation?" Michael Baranen, Pacific Lutheran University

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SOCIOCULTURAL NOTIONS OF ARGUMENT FIELDS: A PRIMER

Bruce E. Gronbeck
University of Iowa

If the nineteenth century generated labels for most of the standard social arts and sciences, then twentieth-century academicians must be credited with finding wonderfully clever ways for shuffling that vocabulary. Armed with hyphens and semantic stems, scholars of our time have busied themselves in off hours by inventing intellectual neologisms. With a handful of prefixes such as "ethno-," "psycho-," "eco-," "bio-," "socio-," and, my own favorite, "politico-," these researchers have filled library stacks with books treating ethnography, ethnology, ethnomethodology, psychoanalysis, psychosociology, psycholinguistics, ecology, eco-systematic research, biosociology, sociolinguistics, sociometry, sociopolitics, and even politico-inertia.

On the one hand, it is easy to disparage such verbal gymnastics as hothouse games designed for larcency and self-aggrandizement. After all, if I call myself a psycholinguist, I can purloin the vocabulary and ideas of both psychologists and linguists, probably can steal a few dollars from a naive foundation for a so-called "interdisciplinary" conference, and even convince my home school to underwrite a new journal, for any university worth its academic salt would love to be seen at the forefront of a "new" interdisciplinary endeavor.

Yet, these neologisms, at least in most cases, ought to be viewed as something more than ego trips for scholars wanting to be dubbed the father or mother of this-or-that new field. In the hands of serious scholars, a neologism is a creative tool, a hammer which nails together two or more intellectual paradigms in a profitable manner. In the field of communication studies, for example, Gerry Philipsen's work on "ethnorhetoric" is a positive case in point; the concept has allowed him to rationalize a series of field studies focusing on the cultural inheritance and social assumptions governing interaction patterns among both Navajo Indians and citizens of Teamsterville, Illinois.[1] The neologism covers a fully integrated theory of social life and action at a level he probably could not have reached had he more simply catalogued cultural mores, social groupings, and communication practices separately.

In this essay, I would like to forward another neologistic concept for our inspection. The notion of "socioculture,"[2] as late as the mid-1950s, retained a hyphen in the middle, signifying that it still was regarded as a "mere" interdisciplinary perspective; by the 1970s, however, the hyphen disappeared, signaling the emergence of sociocultural studies as a discrete, even integrated, field of inquiry. The attempted integration of cultural and social perspectives in a unitary model of human stability and change has produced a rich mixture of constructs and assumptions which, I will argue, may be of considerable utility to the student of public argument and argumentation. Now, in a sense, of course, I have no business writing about sociocultural studies, for I have neither the education nor the practical research experience to probe many of the more subtle interfaces between cultural and sociological paradigms. Because, however, I have spent most of my last three years of library time exploring the "new," "qualitative," and "critical" social arts and sciences, and because my paper for this panel has been conceived of as an introductory statement, I do not really apologize for my boldness. I think someone needs to paint, in the broadest strokes possible, a picture of the American sociological landscape (vis-à-vis some of the European canvases we have been examining of late), so that we as students of argumentation will have available a full range of paradigms from which to discuss argument fields. In this admittedly groping and twisting essay, I certainly will not fully illustrate the utility, or even completely describe sociocultural studies. But, given the level of abstraction at which I have chosen to operate, I can (1) outline the intellectual dilemmas the idea of "socioculture" attempts to resolve, (2) review some of the basic vocabulary of sociocultural research, and (3) suggest in a preliminary way the theory of argument which the paradigm fosters--and I think fruitfully.

Schizophrenic Approaches to the Study of Collectivities

I certainly have neither the time nor the inclination to trace the development of so-called "cultural" and "social" research even in the American tradition, let alone among other western students of collectivities. In the raw, however, one should at least note the four broad sociological paradigms which have done intellectual battle in America over the last century. (1) The evolutionary theory took its most decisive shape at the hands of Herbert Spencer in the mid-nineteenth century. Its biological emphasis introduced the notion of social change into our vocabulary. Generally, Spencer argued that societies evolve through uniform stages from clans to tribes to nations, and that with increasing size come structural and functional changes, often (and perhaps always) following in the wake of technological innovation. Further, each stage is marked by its own characteristic modes of religious practice, political organization, property allocation, and family life. By implication, therefore, ways of communicating change with shifts in cultural complexity; thus it was that even in the eighteenth century, Hugh Blair could picture the growing sophistication in communicative practices which accompanies the march of civilization.[3]

(2) The *cultural* theory of social organization and change received its primary impetus from William Graham Sumner in his book *Folkways* and from an army of later nineteenth- and early twentieth-century anthropologists and sociologists, most notably Emile Durkheim and Pitirim Sorokin. This theory pictures culture as a collection of beliefs, attitudes, values, explanations, and behavioral models which exist more or less in a subjective yet positively sanctioned symbolic world; culture, the symbolic world, represents a people's "stock of knowledge" which is used to govern day-to-day social activities, to establish centers of rank and power, and to explain or interpret relations between persons and between persons and their environment. The cultural or symbolic universe structures the "real world"; and, it resists change, which is why the diffusion of new ideas or procedures through a collectivity is so difficult. Within the cultural perspective, students of communication generally are concerned with ritual, with language as a tool of acculturation or socialization, with myth.[4]

(3) The great breakthrough in the 1940s was the *social-systemic* or, more simply, the *structural* perspective. The positive "science" of sociology was born, with Talcott Parsons its midwife, as we all began to study "social structure"; survey research more or less replaced the anthropologist's field observations as the primary method for examining political bureaucracies, small organizations, the health system, the educational system, the religious establishment, public opinion, and, in general, the cybernetic relationships between and among social structures or organizations in a society. Demographic assumptions--or what Luckmann has called "ecological determinants"--governed the definition of social units, and communication processes were understood as linkages between those objectifiable units.[5]

While I undoubtedly have ridden roughshod over these three paradigms, perhaps enough has been said to remind us that social research through the last century has been wracked with competing impulses. Those impulses can be framed as four dilemmas:

Dilemma One: The subjectivity vs. objectivity of social life. This dilemma exhibits itself in two ways among students of collectivities: (a) Should scholars focus on objective, verifiable aspects of collectivities, or should they deem subjective reactions to and interpretations of social life the more important objects of study? (b) And, should researchers employ objectifying tools or instruments for analysis so as to describe, often with the aid of numeration, the operation and units of groups and institutions, or should they instead employ the so-called "qualitative" methods of research such as self-reports, participant-observation coding, and constructive analysis? These dilemmas have plagued sociological theory and research. The nineteenth-century evolutionists and twentieth-century structuralists generally have stressed objectification and generalization, while the culturologists have preferred subjective reconstitutions as paths to "understanding."[6]

Dilemma Two: The process-product tension. While almost all sociologists pay lipservice to social functionalism and hence will argue that they are studying and clarifying social processes, the fact remains that individual theories are more or less committed primarily either to "process" or "product" as an overarching concern. The evolutionary theories have had the most to say about social processes, while the cultural and structural theories have devoted most of their attention to social products--myths/values in the case of cultural theories, and institutions and their power interlocks in the case of structural theories. Both cultural and structural theories have attempted to identify the significant "whats" of social life, in distinction to the evolutionist's concern for "hows."[7]

Dilemma Three: The stability-change paradox. Paralleling the product-process dilemma is another: Should sociologists concentrate primarily upon the elements of stability or the forces of change in a society? While "change" was the hallmark of the evolutionary theory--and its contemporary successor, diffusion research[8]--most of the positivist or scientific assumptions of post-Parsons sociology are geared for describing the enduring, stable units and elements of collectivities. One must remember that the intellectual bias of a structuralist or cross-sectional model is conservative. It tends to talk about "problems" in society as "dysfunctions," not "progress," and about a social system's reactions to those problems as "adjustments" or "accommodations" rather than as "growth." In other words, evolutionary theory's focus on change or growth, vis-à-vis cultural and structural theories' focus on configuration and/or systems reflect not only different objective interests but also contradictory ideological concerns.[9]

Dilemma Four: Individual vs. collective life. A final dilemma concerns the sociologist's ultimate goal: Should social theory account primarily for social organization and function, or for the individual's roles within, self-definitions gained from, and interpretations-of-reality provided by the collectivity? The evolutionist, in the main, is interested in changes and the forces of change operating at a macrosocial level. The culturologist may well choose to concentrate upon either the micro- and macrosocial level, depending upon the scholar's interest (with macrosocial foci eminating from a concern for "mythic structures" and microsocial foci resulting from examination of the ways in which stocks of social knowledge and language constrain individuals' everyday thought and action). And, the structuralist likewise can treat either level; while most of them are configuring macrosocial institutions and their interrelationships, some are interested primarily in role-functions within primary groups.[10]

Now then: While I must apologize for the level of abstractness at which I have been operating, I hope I at least have set four major paradigmatic issues that the fourth sort of sociologist, the socioculturist, attempts to assault. (4) Broadly, sociocultural theory asserts that it can resolve the four dilemmas by melding together in a coherent theoretical whole various tenets of evolutionary, cultural, and structural theories of social dynamics. That melding can occur within either a "weak" or a "strong" theoretical structure. The weak position, which retains the hyphen in "socio-culture" and analyzes "culture" and "society" separately, tends to leave standing the four dilemmas, transferring them to the individual. That is, each person is pictured as fighting against the stabilizing tendencies of kinship (social) relations vis-à-vis the dynamic or change tendencies of new ideas or knowledge, the tendencies toward social faith and cultural reason, the tendencies toward biophysical individuality and sociopsychical status and conformity. Because the weak position never tries to span the dilemmas, I will not follow it further; one is urged, however, to read a "weak" theorist such as Gutorm Gjessing, for his model does seem to provide a useful frame for discussing public argument in times of sociocultural crisis.[11]

I am more interested in the "strong" theoretical position, the one which accepts the challenge inhering in the neologism. The best recent exemplar I have read is the book *Sociocultural Systems* by Paul Zopf, Jr. The systems-approach to the concept of "socioculture" is evident in his basic definition:

> *A sociocultural system is a set of reciprocating processes, structures, functions, and dysfunctions linked together within a cultural framework so as to make up*

> an identifiable and operating whole unit, limited by the natural world.[12]

Because, as Zopf says, "the key ideas in understanding the whole concept [of sociocultural system] are linkage and reciprocity among static and dynamic components,"[13] his primary focus is upon interaction or communication. Indeed, any "strong" theory of socioculture must ultimately find at least "language" and probably "interaction" or "communication" as the fulcrum of social theory, because a theory integrating the static and dynamic features of institutions and the people within them must almost by definition focus on linkage and mutual influence (reciprocity)--i.e. communicative vehicles and communicative processes.

In the face of the schizophrenic tendencies among American sociologists, the fourth or sociocultural approach to social theory asserts the primacy of communicative processes and thereby picks up the tool with which to destroy the four intellectual or paradigmatic dilemmas:

1. Language or communicative messages encode subjective urges in objectivated forms when personal meanings are translated into society's vehicle for meaning-exchange. Language and other pre-given, sanctioned social forms for exchange allow public meanings to be traded and shaped. Yet, those forms are not perfectly norm- or rule-governed, i.e. not perfectly rigid, and hence individual creativity and expression is possible. In human communication, we find a complete meld of the subjective and objective aspects of human experience.[14]

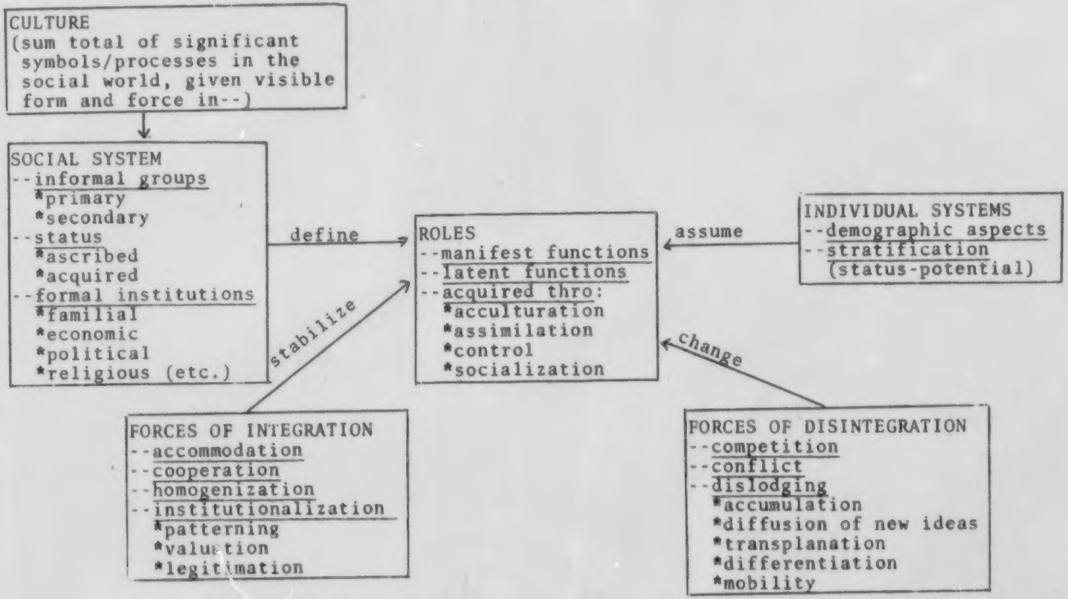
2. Human communication is simultaneously a performative act and a transactional exchange, and thus distinctions between "product" and "process" are meaningless. An act of communication is just that--an act which is but one movement in a series of other acts, and which therefore is but a moment in an evolving process. This being the case, communication is process, yes, but simultaneously product as well. The product, however, is not simply the "idea" which is transferred, because no idea can be thought to exist apart from the communicative forms (symbols) in which "it" is encoded, apart from the social context in which it occurs, apart from the social institutions or groups which sanction or even demand "messages" of thus-and-so a thrust, and apart from the language system(s) in which its referential power is demarcated. In other words, because communicative acts are simultaneously process and product, with meaningfulness generated within and yet unfolded by those processes, and because communicative acts are the sine qua non of social structure and evolution, the process-product dilemma collapses because of its own irrelevancy.[15] Any classic form/content dichotomy has no place in a theory of collectivities based primarily on an analysis of symbolic interaction.

3. The stability-change dilemma is disposed of in much the same way the objective-subjective tension is. Because language--and hence communicative messages--are comprised of seemingly stable elements which, however, can be arranged in changing patterns, patterns which draw parts of their meaningfulness from individualized experience, contextual cues, and interactive modifications offered by reciprocal messages, it makes no sense to distinguish between the "stable" and "dynamic" qualities of communicative acts. And, by implication, it makes no sense to distinguish between those qualities in collectivities generally because they, too, live only through communicative linkages. An "institution," for example, is not a "stable" element of society, because it is not a thing; rather, it "is an organized pattern of behavior created to meet human needs that occur again and again in the system," "is a means of shaping the pathways of social interaction to attend to the large-scale concerns of society and to translate its interests into tangible and workable reality."[16] Further, "institutions" have form only in the personae of actual people who fulfill their roles, and, because individual styles and acts vary, they have a propensity to avoid ossification. Nor is an institution a wholly dynamic or changing social unit, however, for major institutions are characterized by longevity, by their ability to serve recurring needs extending well beyond the life-span of any individual. Hence, the stability-change dilemma, like the others, collapses through its own irrelevancy.

4. Because sociocultural theory and its communication theory have as their core concerns the understanding of people's recurring needs and ways of satisfying them in interaction with others, there is no distinction between the "individual" and the "collective." The idea or perception of "society" exists only in language and communication; similarly, a sense of "a people" or even "a person" is created by thoughts which can be contemplated only through language. This is because a "society" is not an objective thing akin to a rock; even an "individual" is not simply a biological being residing at 1017 Bowery Street in Iowa City. Both the individual and the social organization have life only in language or symbols or communicative exchanges; there is no existence apart from the cultural symbolicum. *Animal symbolicum* or *homo loquax* represents the definitive characterization of human beings and their products, for even their products (governments, institutions, groups) have no meaning outside the symbolic world.[17]

These four axiomatic assertions are attempts to combine evolutionary, cultural, and social paradigms. To better understand the force of these tenets, however, we need to examine the particularly sociocultural meanings which are given to the basic vocabulary of sociology within the theory.

Figure 1.
THE SOCIOCULTURAL SYSTEM


CULTURE
(sum total of significant symbols/processes in the social world, given visible form and force in--)
SOCIAL SYSTEM
--informal groups
*primary
*secondary
--status
*ascribed
*acquired
--formal institutions
*familial
*economic
*political
*religious (etc.)
define
ROLES
--manifest functions
--latent functions
--acquired thro:
*acculturation
*assimilation
*control
*socialization
assume
INDIVIDUAL SYSTEMS
--demographic aspects
--stratification
(status-potential)
stabilize
change
FORCES OF INTEGRATION
--accommodation
--cooperation
--homogenization
--institutionalization
*patterning
*valuation
*legitimation
FORCES OF DISINTEGRATION
--competition
--conflict
--dislodging
*accumulation
*diffusion of new ideas
*transplanation
*differentiation
*mobility

[The vocabulary herein arrayed follows Paul E. Zopf, Jr., Sociocultural Systems (1978).]

The Semantics of Sociocultural Studies

Obviously, we cannot review systematically the entire vocabulary of sociocultural theory, but we can highlight elements of the central construct system.

Roles. The pivotal construct is that of role. A role can be defined as the interaction between socially sanctioned expectations a collectivity has for some position and an individual's competencies in acting out that position. In other words, a role, to the socioculturist, represents the joint product of social norms and individual performance. Informal groups and formal institutions set role expectations; individuals, with their own needs, interpretations, experiences, and capabilities, bring roles to life in day-to-day interactions with others (also living out roles). The key to understanding role functions, perhaps, is reciprocity. Roles are always relational, that is, they define or configure relationships between people. As one moves from group to group or institution to institution, one's role-expectations and relations change. (A role "father" is defined by the roles "mother" and "child"; "teacher" is defined partially by "student"; "speaker," by "audience" or "listener"; "preacher," by "congregation"; "governor," by "the governed";"banker," by "depositer" or "borrower.") The importance of roles should become clearer when we begin to discuss argumentation and argument fields.

Social System. As Figure 1 illustrates, in sociocultural theory (at least usually) the social system is discussed structurally, that is, in terms of its manifestation in informal groups and formal institutions. Here, a collectivity of individuals become a "society" only when hierarchical structures--i.e. recognizable collective entities, each with its spheres-of-activity as well as mechanisms for assigning tasks and conferring status--are granted power by that collectivity. Because hierarchy is a central aspect of social units, it follows that they need to enforce patterns-of-behavior for setting interpersonal relationships and assigning role-tasks to those who operate within them. In the case of more informal groups, these patterns are called routines; for more formal institutions, they are usually called rules. Later, I will argue that communicative--and its species, argumentative--activities from a sociocultural perspective are best conceptualized as routinized, rule-governed behaviors.

Culture. If there is a principal weakness in sociocultural theory, it is in its conceptualization of "culture." Zopf's definition probably illustrates that weakness: "Culture is the whole human-made environment, including ideas, values, beliefs, norms, technology, and other complexes that are passed from generation to generation by means of symbolic communication, and sometimes by imitation. . . . Culture is the basic framework within which a system operates, for in large measure the kinds of institutions, statuses, roles, and groups created and the forms of social interaction takes are powerfully conditioned by the things people believe, the networks of ideas available to them, the technology they have built and borrowed, and the symbols they use."[18] The problem with this sort of definition, of course, is that it does not distinguish "culture" from anything other than the "natural environment," and hence the term is so expansive as to be almost useless. Yet, it does have some little utility in terms of our search to understand argument fields, for it does picture "culture" as *the* generative force in human affairs, and hence it should allow us to way to discuss the history of institutions and their expectations, and it might help explain why argumentative traditions vary from collectivity to collectivity. And intriguingly, it also helps us define the limits of argumentation, especially of "what" it is we argue about. (See "Content" below.)

The Individual. The conception of "persons" in sociocultural studies also may be problematic for some, for, in the basic model, individuals are viewed primarily as beings born into a pre-existent social stratum and at least initially defined by their demographic characteristics or ecological determinants (gender, socioeconomic position, race, etc.). But, because individuals are potentially able to acquire a variety of role-potentials through such forces of social change as transplantation, differentiation, mobility, and the like, they are not merely captives of social roles. Rather, they are able to be *socialized* or *assimilated*--to acquire the experiences and skills necessary to function within the web of groups and institutions which constitute their environments. Hence, they are able to learn new roles, and, if they do, within the limits of social mobility, are able to gain status and thus power. The emphasis in sociocultural studies upon *individuals as clusters-of-roles*, therefore, is not so dehumanizing and mechanical as it might seen; further, the conception, I will argue, allows students of argumentation to assess a person's ability-to-argue against a standard--the standard of role-expectation.[19]

The Forces of Integration and Disintegration. Because any sociological model ultimately must be able to explain stability and change, this model too is completed by a vocabulary dealing with integration and disintegration (or, alternatively, function and dysfunction). Figure 1 and its construct-system allow one to discuss integration and disintegration in several ways, depending upon one's interests (technology, acculturation of strangers, etc.). Because we here are particularly interested in argument fields, I will comment briefly upon the forces of integration found in institutionalization and the forces of disintegration capable of weakening institutions.

Institutions, when viewed from the perspective of social integration, are usefully thought of systems of relations which have been designed to meet recurring needs--the need for belongingness and survival in the case of families, the need for the exchange of commodities in the case of economics, the need for the transmission of cultural heritage and routines in the case of education, the need for order in the case of government. Institutions arise from traditions established before the individual is born, and extend into the future which succeeds any individual affected by them. Thus, institutions have three defining characteristics: (1) They control a sphere-of-activity (family, economics, etc.). (2) The specific symbols and processes exhibited in institutional units are generated within the cultural environment (and hence governmental and family practices vary from culture to culture). (3) And, institutions operate according to routines or rules which are positively/negatively sanctioned by the institution. Those routines or rules (a) are legitimated within the institutional setting, (b) imply certain cultural values (e.g. patriarchal or matriarchal familial organizations, the value of money as a medium of exchange and measure of status, the primacy of justice, etc.), and (c) are patterned to the extent that individuals can practice and/or observe the routines and rules.[20] In other words, an institution legitimates and enforces patterns-of-behavior (role-performances), including communicative behaviors. "Competent" communicators learn and employ those patterns so as to have their needs and desires fulfilled within institutions. And, the degree to which individuals in fact practice the routines and observe the rules determines the degree of integration or stability within that aspect of the culture.

Conversely, then, social systems are threatened with disintegration in two extreme conditions: Either the rules or norms are followed so perfectly that complete homogenization results (in which case individuals' needs are not fulfilled and hence the institution loses its potency, as in the case of an "empty" religious ritual), or the rules themselves are challenged (in which case the individuals sense alienation, and do not literally "know what to do" next). Either condition results in a "legitimation crisis" and renders communicative exchanges problematic.[21]

The concepts of "role," "social system," "culture," "the individual," and "forces of integration and disintegration" represent the shaping constructs of sociocultural studies. More specific vocabulary, of course, is called for when dealing with more microscopic processes within systems. But, if the relationships arrayed in Figure 1 are basically understood, then we finally can move to a discussion of argumentative processes and fields within the sociocultural paradigm.

A Sociocultural Definition of Argument

1. *Argumentation is a communicative process whereby individuals in socially defined roles reciprocally negotiate, through institutionally sanctioned routines and stipulated rules, the needs and goals of the social unit.*

1a. Argumentation is a communicative process or verbal-interactive pattern-of-behavior because language is the medium of exchange in a collectivity. Competing claims cannot be made explicit in any other way, given the fact that "society," "institutions," and "persons" are given meaning only symbolically. Argumentation arises when institutional or group members disagree about ways to satisfy social needs or to define social-institutional goals. If there is no disagreement, then there is no argument--only ritualized reciprocal communication.

1b. Individuals argue with each from within role definitions (unless, of course, they are involved in some form of legitimation crisis, in which case they may well argue about the role definitions themselves, as when children question what it means to be a "son" or "daughter," e.g.). One's social-institutional roles define the range of ideas which can be talked about, the expected or allowable communicative tactics one may use for raising and settling disagreements, and the overall procedures which ought to be followed within some cultural context. That is: (1) Some subject-matters may well not fall within the culturally permissable boundaries of an institution. In a society which institutionally separates church and state, for example, state deliberative bodies are incompetent to debate the merits of theological issues, and church synods oversstep their cultural charge when they debate questions concerning taxes. Many families, too, ordain that some subject-matters are to be considered taboo. (2) Groups or institutions develop traditions for raising and settling disputes. These traditions include such positive and negative guides-to-argument as determining who may disagree with whom (can a member of parliament directly dispute with the country's royalty? can a secretary openly disagree with an employer? how can a spouse raise a deliberative point with the other?); how regularized argumentative turn-taking is (e.g. parliamentary rules); what argumentative strategies may be employed (is *ad hominem* allowed? must factual evidence be employed? are cultural truisms an acceptable court of appeal?); and, methods for settling disputes (votes? arbitration?). (3) Argumentation in group or institutional settings occurs within pre-established (more or less) procedural guidelines. That is, different informal groups and formal institutions, more or less explicitly, allow or even enforce methods-for-arguing; they sanction particular classes of data, particular inferences (and sources of inferential statements), and specific kinds of claims. Thus, positivistic social scientists, when they are generating knowledge via an activity called "research," are expected to employ systematic observation for data, to use inferential statistics when moving from those data to knowledge-claims, and to phrase their claims in terms of predictive generalizations. American lawyers, in contrast, draw their data from particular observation and hypothetical reconstructions, employ statute-based regulations and profession-based "laws of evidence" as sources of inferential statements, and phrase their claims in terms of evaluative statements ("innocent" or "guilty").[22]

2. Because argumentation is a communicative interaction occurring between people-in-roles, and because groups and institutions sanction particular patterns-of-behavior, argumentation is pre-eminently, even ontologically, a rule-governed activity.

2a. "Reality" is culturally defined; "reality"-definitions are "given" to the primary groups and the secondary institutions for safe-keeping and enforcement; hence, individual socialization and assimilation is a matter of learning and using the sanctioned communicative rules when arguing with another. Berger and Luckmann are instructive here:

> We may say that secondary socialization is the acquisition of role-specific knowledge, the roles being directly or indirectly rooted in the division of labor [represented by social institutions]. . . Secondary socialization requires the acquisition of role-specific vocabularies, which means, for one thing, the internalization of semantic fields structuring routine interpretations and conduct within an institutional area. At the same time "tacit understandings," evaluations and affective colorations of these semantic fields are also acquired. The "subworlds" internalized in secondary socialization are generally partial realities in contrast to the "base-world" acquired in primary socialization. Yet they, too, are more or less cohesive realities, characterized by normative and affective as well as cognitive components.[23]

In these sentences, one begins to get a feeling for the range of features of argumentative interaction which are rule-governed. If we define "rule" broadly as a guide to or constraint upon behavior, if we keep in mind the definition of "argumentation" offered above, and if we recognize that most classes of "rules" are but species of the genus "social rule," then we can make more explicit than we have so far the characteristics of argumentation subject to rule-analysis:

2b. Content. Formal institutions, more or less as we have been saying, are keepers of particular contents (or "partial realities," in Berger and Luckmann's terms). They actually institutionalize some "thing," a sphere-of-operation or range of community concerns, at a gross level. But, more particularly, the cultural symbolicum of any given collectivity "provides" each institution with narrower contents. Those more particular contents--which may be called values, norms, ideologies, "facts," etc.--determine what can be argued about and what standards can be appealed to. For example, each time I review the Putney Debates of 1647, wherein Oliver Cromwell's army officers debated the question of suffrage, I am struck again by the limited content which formed the bases for the debates. A government wherein individual citizens have "the right" to demand a voice in political decision-making had not yet been conceived of; it was an idea which had not yet been developed within and legitimized by England's conception of governance. Hence, even the most "liberal" parties to the Putney Debates had no recourse to that tenet; and even if someone had happened to articulate the social compact argument, it undoubtedly would have had no force.[24] Or, to take another example from social deliberation, until the idea of "children's rights" had been formed and diffused through this society, there was literally no basis from which to define the limits of parental authority and punishment (except, of course, for murder, incest, and the like). Such an idea as "children's rights" was "out of order," out of the cultural order. There are explicit and tacit rules, therefore, for deciding upon relevant or irrelevant argumentative contents.

2c. Form. Argumentative forms (deductive/inductive/analogical/etc.), along with their formative words (all/none/some/if-then/either-or/not/like), are products of socialization which have been acquired by members of a culture through interaction with others in particular contexts. They are not innate principles; logic is a matter of cultural practice, not mental operation. They rather are structured and defined in reciprocal use. And, their appropriareness depends upon, as has been suggested, institutional traditions. Thus, the positivist social scientist almost literally "must" argue inductively within the formal requirements of statistical laws, while the qualitative or "critical" social critic tends, in Wellman's terms, to argue conductively, from circumstantial conditions typical of exemplar cases.[25] Similar remarks could be made about "what follows from what" in Keynesian vis-à-vis Malthusian economics, in Einsteinian vis-à-vis Newtonian physics, in eastern vis-à-vis western theology. The same is true of less formal groups: I may say to my wife, "You've got to believe X is good because Persons A, B, and C say so," but if she counters, "You and I already have agreed that authoritative judgments have no place in our disputes over goodness or badness in Xs," then I have advanced an inappropriate argument; it is in a disallowed form; I have violated the rules.

2d. *Validity*. Standards of validity or correctness, then, lie not so much in a "logical form" as in the rules for interpreting someone's use of those forms in a particular context or institutional setting. An inductive argument, for example, may well be "invalid" in a theological dispute. Conversely, an argument which seemingly contains a fallacious *petitio principii* ("God has ordained it because God's prophets have spoken it") may well be imbued with argumentative validity in some institutions. In other words, argumentative validity is a matter of sociolinguistic conventionalization.[26]

2e. *Force*. Ultimately, then, any particular argument makes coercive demands upon an interlocuter when (a) it treats subject-matter relevant to some group or institutional concern, (b) it conforms to reasoning patterns understood to be appropriate to some group's or institution's expectations, and (c) it is correct according to contextual, conventionalized standards for validity. "Competent" arguers are those who adhere to social-institutional rules for argumentative relevance, appropriateness, and correctness; "competent" arguers are socialized into such rule-demands, and conform to them when arguing within group and institutional contexts, within role-expectations.

3. Argumentative fields, therefore, are collections of communicative rules which specify what may be disputed by whom, when, how, where, and to what end. Because a collectivity's symbolicum may well contain almost innumerable taxonomies or ways for parcelling out "partial realities"--or, from the vantage of roles, may well contain various systems for defining roles--no single approach to field analysis will suffice. Three of the many possible typologies, however, can at least be suggested:

3a. *Institutional fields*. Given the sociological bias of sociocultural theory, the predominant model of fields in this literature is institutional--government (its branches, its levels), economics, religion, medicine, education, etc. (One particularly useful model is Edward Hall's identification of Primary Message Systems.)[27] Because society's principal manifestation of itself occurs within institutional settings, it becomes comparatively easy to specify the rules-for-argument institution by institution. My recent discussion of parliamentary argument is a case in point; so is Galbraith's classic examination of economic controversy.[28]

3b. *Intellectual paradigms*. Because knowledge is socially sanctioned, culturally generated, and linguistically confined, one also may find it useful to define argumentative fields paradigmatically, after the manner of Thomas Kuhn. This practice is especially important for those wishing to chart the course of social-institutional change and political revolution, for significant social change and revolution tend to occur only when a society faces rupturing shifts-of-thought,[29] the so-called "marginal situation" or "legitimation crisis."

3c. Primary and secondary groups. The usual sociocultural model makes comparatively sharp distinctions between primary groups (families, friends) and secondary institutions. Those distinctions have to do, in part, with formality (rule-rigidity and explicitness), but, more significantly, in part with rule-establishment. Grossly, individual behavior within institutional settings is preeminently a "rule-conforming" behavior. Because, however, primary groups represent looser confederations wherein individuals have a good deal more freedom to intersubjectively define relevant content, appropriate communicative forms, and correct reasoning processes, individual behavior within group settings often (at least) consists of "rule-constructing" behavior. At least in most societies, interpersonal routines (private role-taking) are much more open than are institutional processes (public role-taking). One tends to construct different role- and rule-expectations with different family members, friends, and social associates. It may well be, therefore, that we ought to continue the current drive to distinguish between "formal" and "informal" argumentation.

So What?

I must admit in this essay to having explored sociocultural notions of argumentation and argument fields in a "What if?" frame of mind. I have done so, frankly, in part to rationalize some of my own critical-analytical work on political corruption, political campaigning, and parliamentary debate.[30] I personally keep trying, in some way or another, to undergird my personal rhetorical-argumentative predilections, and I find myself driven of late to sociocultural studies as a paradigmatic home for my musings. Yet, because I do not yet know enough, I still function in a hypothetical mode.

But yet, as I contemplate some of the reading I have done in the field of argumentation, particularly in the Journal of the American Forensic Association, and note a range of concerns appearing therein with regularity, I am willing to go public with these musings because they seem applicable, even useful, for those concerned with definitional and paradigmatic issues. I have been struck by the fact that social philosophers are popular among students of argument, but that sociologists are not. This paper in part pleads the case of sociology, American style, vis-à-vis continental social thought. I have been struck by the fact that the sociologist's habitual dilemmas--subjectivity-objectivity, process-product, formal stability-pragmatic change, collective-individual life--are those of the contemporary theorist of argument. Therefore, readings in socioculture may well be instructive for these scholars. And, I have been struck by the paucity of sustained work on "rules" in general. While we time and again pursue the limits of logic and logical rules in argumentation, and while we pay homage to the notion that informal argumentation is sort of rule-governed, we have done very, very few concrete, critical analyses of actual arguments occurring within particular institutional or group settings--at least from the vantage of rule-governance. While sociocultural theory often seems to smack of cultural or communicative determinism, it assuredly has the virtue of *demanding* that critic-analysts concentrate upon communicative rules and sanctions operating within specific contexts; its anthropological underpinnings drive us to particular peoples in particular environments. And finally, I have been struck with our inability to define "good" and "bad" argument. Socioculture's vocabulary of role-expectation, role-performance, even role-enactment, provides us operationalizable definitions of communicative relevance, appropriateness, and correctness, and therefore gives us starting-points for a fuller discussion of argumentative competency--a concept, it seems to me, which should replace "rationality" as an evaluative standard for arguments.

At this point, I cannot go farther, as I still am a student of this literature and viewpoint. Of only one more thing I am sure: "Sociocultural studies"--vis-à-vis sociolinguistic, psycholinguistic, ethnomethodological, psycholinguistic, ethnomethodological, ethnographic, and several of the other neologistic "seam" disciplines--offers the greatest possible room for varied studies of argumentation and argument fields. For a discipline such as argumentation, which seems to require a biennial conference and which reaches more widely with each succeeding editor of *JAFA*, that breadth is almost comforting.

Notes

[1] Gerry Philipsen, "Navajo World View and Culture Patterns of Speech: A Case Study of Ethnorhetoric," *SM*, 39 (1972), 132-139; ______, "Speaking 'Like a Man' in Teamsterville: Cultural Patterns of Role Enactment in an Urban Neighborhood," *QJS*, 61 (1975), 13-22; ______, "Places for Speaking in Teamsterville," *QJS*, 62 (1976), 15-25.

[2] Gutorm Gjessing, *Socio-Culture; Inter-Disciplinary Essays on Society and Culture* (Oslo: Forenede Trykkerier, 1956).

[3] Hugh Blair, *Lectures on Rhetoric and Belles Lettres*, Stereotype University, College and School Edition (1783; rpt. Philadelphia: Troutman & Hayes, 1985), esp. Lectures VI and VII. Cf. Herbert Spencer, *Social Statics* (London: Chapman, 1951).

[4] William G. Sumner, Folkways (Boston: Ginn, 1906); Emile Durkheim and Marcel Mauss, Primitive Classifications, trans. and intro. Rodney Needham (1903; trans. Chicago: Univ. of Chicago Press, 1963); Pitirim Sorokin, Social Mobility (New York: Harper & Bros., 1927).

[5] Parsons presented the first full statement on his position in The Social System (New York: The Free Press, 1951), and expanded it Societies: Evolutionary and Comparative Perspectives (Englewood Cliffs, N.J.: Prentice-Hall, 1966). For somewhat fuller summaries of all three paradigms, see Francis R. Allen, Socio-cultural Dynamics; An Introduction to Social Change (New York: Macmillan, 1971), Chap. 1. And, for Luckmann's analysis of the American-structural school, see Thomas Luckmann, The Sociology of Language, The Bobbs-Merrill Studies in Sociology (Indianapolis: Bobbs-Merrill, 1975), esp. p. 35.

[6] For a discussion of subjectivity-objectivity and its relation to research instrumentation, see Howard Schwartz and Jerry Jacobs, Qualitative Sociology; A Method to the Madness (New York: The Free Press, 1979), Chap. I and passim.

[7] I pursue distinctions between "explanations-what" and "explanations-how" in my "Historical Explanation and Rhetorical Criticism" (unpub. paper delivered to the Speech Communication Association, 1977).

[8] The first full statement of the diffusion model appeared in Everett M. Rogers, Diffusion of Innovations (New York: The Free Press, 1962).

[9] I discuss these ideological tendencies at somewhat greater length in my "The Rhetoric of Social-Institutional Change: Black Action at Michigan," in Explorations in Rhetorical Criticism, ed. G. P. Mohrmann et al. (University Park: Penn. State Univ. Press, 1973), esp. pp. 96-97.

[10] There is another possibility, of course, the one pursued in various forms in the field of social psychology; if the "social" half is pursued, one learns how institutions structure or pattern individual's thought, and if the "psychology" half is emphasized, one gets a psychological analysis of institutions. As exemplars, see Dorwin Cartwright, ed., Field Theory in Social Science (New York: 1951), and Hans Gerth and C. Wright Mills, Character and Social Structure; The Psychology of Social Institutions (New York: Harcourt, Brace & World, 1953).

[11] See Gjessing (n. 2). He states his position on the separateness-yet-wholeness of collectivities in this manner: "As society and culture cannot be observed isolated from one another at all, this isolation can be undertaken in a

purely analytical way only. And the starting point for the analysis must be the wholeness, the socio-culture. In order to be able to analyze the parts one has to know the whole, otherwise the premises for the logical analysis will become inadequate. And after having made the analyses one will have to make a coordination of them as a means of control in order to be sure that one gets back to the same wholeness" (p. 52). He then proceeds to define "culture" and "society," and analyze the tensions or tendencies. They are captured in a model (p. 59) which arrays the "social field" down its left side and the "cultural field" down its right side, with each field exerting force on "language," "idea system," "economy," and "politics" down the middle of the model.

[12] Paul E. Zopf, Jr., Sociocultural Systems (Washington, D.C.: Univ. Press of America, 1978), p. 3. I will follow the vocabulary and its arrangement from this work.

[13] Ibid., p. 21.

[14] How this occurs is discussed in Zopf, esp. pp. 3-4. Frankly, this process is not well discussed in any of the sociocultural literature I have read. One is better advised to seek out sociolinguists. As starting points, I would suggest Ben G. Blount and Mary Sanches, "Introduction: Sociocultural Dimensions of Language Change," in their anthology, Sociocultural Dimensions of Language Change, intro. John J. Gumperz (New York: Academic Press, 1977), pp. 1-20; and,"Types of Linguistic Communities" and "The Speech Communication," in John J. Gumperz, Language in Social Groups; Essays by John J. Gumperz, selected & intro. Anwar S. Dil (Stanford: Stanford Univ. Press, 1971). One might also wish to pursue this process from the vantage of ethnography, e.g. Dell H. Hymes, "The Ethnography of Speaking," in Anthropology and Human Behavior, ed. Thomas Gladwin and William C. Sturtevant (Washington, D.C.: Anthropological Society of Washington, 1962), pp. 13-53.

[15] For a somewhat different articulation of this position, see Barry Brummett, "Some Implications of 'Process' or 'Intersubjectvity': Postmodern Rhetoric," Philosophy and Rhetoric, 9 (1976), 21-51.

[16] Zopf, p. 14.

[17] See esp. Gjessing, pp. 53-57.

[18] Zopf, p. 20.

[19] See Luckmann, p. 34; Zopf, pp. 12-13, 245-250.

[20] Undergirding this analysis is a particular understanding of "social rules," one I discuss in "On Classes of

Inference and Force," in Explorations in Rhetoric: Studies in Honor of Douglas Ehninger, ed. Ray E. McKerrow (Glenview, Ill.: Scott, Foresman and Co., 1982), pp. 85-106. I draw my understanding of social rules primarily from Raymond D. Gumb, Rule-Governed Linguistic Behavior (The Hague: Mouton, 1972), pp. 37-44. Other taxonomies and definitions are suggested in Susan B. Shimanoff, Communication Rules: Theory and Research, Vol. 97, Sage Library of Social Research (Beverly Hills: Sage, 1980), esp. Chap. 4.

[21] On homogenization and challenge, see Zopf, pp. 47-48.

[22] See my discussion of institutional or "special-topical" inferences in "On Classes of Inference and Force," pp. 90-95.

[23] Peter L. Berger and Thomas Luckmann, The Social Construction of Reality; A Treatise in the Sociology of Knowledge (Garden City, N.Y.: Doubleday, 1966), p. 138.

[24] For a text of the Putney Debates, see The Commonwealth of England 1641-1660, ed. and intro. Charles Blitzer (New York: Capricorn Books, 1963), pp. 44-79.

[25] Carl Wellman, Challenge and Response; Justification in Ethics (Carbondale: So. Ill. Univ. Press, 1971), pp. 51-83.

[26] Conventionalized-reasoning-in-contexts is a particular concern of ethnomethodologists. See, e.g., Harold Garfinkel, "Remarks on Ethnomethodology," in Directions in Sociolinguistics; The Ethnography of Communication, ed. John J. Gumperz and Dell Hymes (New York: Holt, Rinehart and Winston, 1972), pp. 301-325; _____, Studies in Ethnomethodology (Englewood Cliffs, N.J.: Prentice-Hall, 1967); and Roy Turner, ed., Ethnomethodology; Selected Readings (Baltimore: Penguin, 1974).

[27] Edward Hall, The Silent Language (New York: Doubleday & Co., 1959), Chap. 3, "The Vocabulary of Culture."

[28] Bruce E. Gronbeck, "Symbolic Dimensions of Parliamentary Procedure in the Late 18th-Century English Commons," The Parliamentary Journal (forthcoming fall 1981); John Kenneth Galbraith, Economics & the Art of Controversy (New Brunswick: Rutgers Univ. Press, 1955).

[29] On marginal situations, see Berger and Luckmann, pp. 96, 98, 100-102, 148-149, 156. And, on legitimation crises, see Jürgen Habermas, Legitimation Crisis, trans. Thomas McCarthy (1973; Boston: Beacon, 1975).

[30] See notes above as well as "The Rhetoric of Political Corruption: Sociolinguistic, Dialectical, and Ceremonial Processes," QJS, 64 (1978), 155-172, and "The Functions of Presidential Campaigning," SM, 45 (1978), 267-280.

FIELD THEORY: A CARTESIAN MEDITATION

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It is not necessarily true that ideas have to be well understood to be influential. Witness the notion of argument fields. It is sufficiently fuzzy and imprecise that it can be made to authorize entirely incompatible projects. It can be read as an extreme sociological relativism that undercuts any but the most bland universal standards of judgment. Or it can be more narrowly seen (a la Toulmin) as the anthropological face of philosophy which is to be transcended by philosophy's critical face.[1] It can be defined in terms of logical types or in terms of real social entities bearing no clear relation to types. It can serve as a surrogate term for what ethnographers call "speech communities" or as a label for "rhetorical communities"--two different sorts of distinctions which blur each other's boundaries. Notwithstanding these ambiguities, the field notion has been enthusiastically received. It is arguably the case that its diffuse and open-ended nature has been its most attractive feature and that its widespread employment is owed to the fact that it can be made to say virtually anything.

One way to clarify a concept is to consider the conditions of making coherent claims about it. Another way is to consider what the concept has to look like in order to vouch for coherent claims. These approaches can function in tandem when the focus is upon concrete rather than abstract claims. The capacity to authorize coherent claims is (plausibly) the litmus test of a useful theoretical construct; if these claims are particular (case-specific) as well as coherent, all the better.

To consider the conditions of making coherent claims by and about a concept is to entertain the possibility that it cannot survive scrutiny. It opens the door to the possibility that the concept--in this case the field notion—serves only as a wastebasket for conceptual problems. It raises the possibility of sharply drawn battle lines and predatory exchanges between schools of thought. Either case seems preferable to the present indistinctness of the field notion. Since the field notion is clearly being adapted different theoretical frameworks for many different purposes, the drawing of sharp disputational lines would not be all that bad.

It may prove useful to think through the conditions of making coherent claims by and about fields. In particular, it may be enlightening to ask whether one can plug content (specifics) into the following claims:

(i) A is in field X; read differently, A is a member of X. Claims of this sort are surely the enabling condition of using a body of thought or a social frame of reference to define the meaning of someone's utterance.

(ii) A is arguing in (or from) field X. The fuzziness of the field notion is exposed if (ii) is thought to collapse to (i). The two are distinct, for reasons to be elaborated.

(iii) Field X has n characteristics; or field X is distinguishable from fields Y and Z by virtue of n. Can we distinguish among fields at all? Preferences aside, what are the preconditions of such distinctions? Failing (iii), field theory will prove untenable.

Can we, i.e., make concrete claims of the three sorts? Straightforwardly, can we say that Smith is (say) an astrologist, is arguing in or from that social field—and can we say these things because we can confidently describe astrology? Or—a more difficult case—can we say that Jones, who is a professional psychologist, is in this case making a claim drawn from economics--this distinction being permitted by our clear demarcations between the two fields? Does success vis-a-vis any single claim suffice to justify field theory; or can any of the claims be coherently instantiated if and only if all three claims work out?

THEORETICAL FRAMEWORK

These three claims were not conjured from thin air but from considerations of what the most useful field theory might look like.[2] While fields might well be defined as alternative critical perspectives, logical types, or ideal entities, it is just as plausible to think of them as real social entities. So viewed, they would function similarly to notions such as "communities of discourse," "social frameworks of knowledge," "rhetorical communities," "domains of objectivity," "groups," "relations," and the like. They would be frames of reference by which critics might assign meaning to utterance—this on the assumption that fields function in precisely the same way for speakers who are "in" them or are using them.

Consistent with this thinking, fields are construable as psychological perspectives, points of view on the order of Mead's "generalized other." Thus, the most basic sense of the word field--by this reasoning at least—is the "psychological field," the person's phenomenal field. The sociological concepts enter this picture as the interpreting person shifts from perspective to perspective, i.e., enters and exits communal traditions. My assumption is that actors are "multi-valent"—moving from one frame of reference to another depending on the needs of the moment. Consider, e.g., that a physicist (i) deals with colleagues about physics, (ii) argues with the spouse about child rearing, (iii) argues with a neighbor about food prices, and (iv) argues with the priest about abortion. This list may be as lengthy as the interests and activities of any person permit.

I intend this thinking to square with what I take to be two seminal notions, viz., the centrality of communication and the definitive importance of the definition of the situation. Following Chicago School symbolic interactionism, I want to say that fields exist in and through the ongoing defining activities of their actors, that they are not things (and that any variant of object language is inappropriate to them). Fields, i.e., are traditions of practices, inferences we make about recurring themes in a group's practices; they are generalizations we make about unifying threads uniting particular activities.

Proceeding this way, field theory becomes a piece of a broader epistemological package. It is holistically embedded in three lines of thinking, viz., the psychological sense of field, the sociological sense of field, and a view of utterance which I have defended elsewhere. The intuitive idea is that the claims made of any of the three ought to square—more than that, they ought to mesh together into a unified social theory.

Corresponding to these theoretical elements are three aspects of relativity—each comprising in its respective way an organizing problematic for argument critics and naive social actors alike. Subjectivity describes the differences and incommensurabilities of psychological fields; relativism describes differences between sociological traditions (fields); and intentionality describes differences in the ways speakers intend toward utterance.

These theoretical elements and their corresponding sorts of relativity find their bluntest expression in terms of knowledge and value claims. Thus "subjectivism" takes individual viewpoints to contain the truth conditions of utterances; field theory focuses upon substantive and procedural differences between the things different groups take to be knowledge and in the ways they pass muster on knowledge and value claims; and the view of utterance--which I have defended under the "constructivist/interactionist" rubric--focuses upon alternative constructions which may be placed upon utterances depending upon the speaker's definition of situation and referential field.

The centrality of communication processes to epistemic and value judgments is embodied in Festinger's notion of social comparison. My assumption is that subjectivism is problematic for individuals and that they seek to objectify their thinking by checking it against selected communal standards. Their entry tickets to such comparisons are (typically) other people. Thus, a person turns to a field, or in senses to be specified "enters" a field, in order to firm up subjective interpretations. Thus, to study fields is to study the ways actors deal with the problems of interpersonal relativity, their attempts to wrest order and security from events, their efforts after *objectifying*.

It very much matters which field a person enters to check his thinking. In the first place, it tells us much about a field when we know that people in thus and so contexts, who define things in thus and so ways, appeal to field X. In the second place, interfield differences are sometimes such that any particular belief or statement may be true in X but false in Y, rational in X but irrational (or nonrational) in Y, good in X and evil in Y. Interfield comparisons need not all be this lurid; plausibly, most are not. Nonetheless, I have used three examples which depict interfield relativity of just this strength: (i) *neo-Kantian ethics versus cost-benefit analysis*--the main difference being that the former insists that values cannot be expressed as quantities while the latter stipulates that values *only* be expressed in the language of quantity; (ii) *existential ethics versus military science*-the main difference being that the General who says that "we had to destroy the town in order to save it" is beyond critique from ethics unless (say) Sartre, who condemns the abstraction of that which is concrete, can defend his principle *in* military discourse; and (iii) the *creationists versus the evolutionists*--both sides impute religious fervor to the other; both accuse the other of closed-mindedness and censorship;

neither side can translate the other's presuppositions into a common language; and only one—the creationist—side has attempted to adapt to the perspective of the other.

The processes by which field actors argue among themselves, i.e., exclusively on the grounds of their fields, and those by which actors engage in interfield disputes are objects of central interest to "field studies." I introduced, for example, the notion of "closure" to denote the posture fields take when they insist, not that someone avoid their mode of argument, but that the only acceptable line of argument is their own—a posture which is the mirror opposite of what Henry Johnstone calls "bi-laterality." Thus, e.g., cost-benefit analysts insist that one cannot reply to their equation of values with quantities with unquantified value claims; analytic theorists insist that their claims cannot be denied with empirical evidence; and so on. Since fields, more often than not, can never be defeated on their own grounds (think, e.g., of Toulmin's or Rescher's claims that skepticism can never be defeated on its own grounds but only by *a shift to practices*), some interfield disputes seem insoluble.

The aim of critics is not to "solve" such disputes but to understand them. The core concern is not whether field X is right while Y is wrong but which fields ought to be attended to, i.e., which fields we ought to put ourselves at risk to. Fields which close themselves off from other fields, *by their own standards*, can make no demands on our attention and belief. The schools of thought (cost-benefit analysis or some variants of analytic philosophy) which effect closure do so at this price. The proper course is not to prove them wrong—which cannot be done—but to ignore them. Extreme skepticism suffers this fate when critical attention shifts from abstract conditions of knowledge to particular practices by which social actors guarantee their knowledge.

Field theory is thus a way of thinking about social life, a way of distinguishing among substantive domains which brackets the grand ontological disputes. Pascal said that no one can be a skeptic all the time, and humans prove this through their practices. While they may trust their fields differently (ranging from blind true believership to reflective doubt) they function in fields by virtue of an "as if" maxim. They proceed as if the field's judgmental and veridical standards are dependable guarantors of knowledge, value, or whatever.

This means that the search for the "authority of concepts" begins (and conceivably ends) with considerations of the rhetorical bases of social communities. However particular field disputes between "sociologists" (who make the final arbiter of knowledge and value social consensus) and the "rationalists" (those unwilling to reduce knowledge and value to the counting of noses) turn out, the rhetorical bases of fields are obvious. People orient themselves for reasons falling within our usual accounts of persuasion—which makes rhetoric the glue binding fields together. Thus, one way of characterizing fields is as *audiences*. The notion of the speaker is less useful for reasons that will shortly be clear: basically, it is difficult to point to particular people (or credentials) that invariably mark a representative of a field. While there are exceptions to this, Foucalt's attempt to make physicians speak for medicine ignores too many obvious distinctions between ordinary views of medicine, differences in substantive doctrines within medicine, and the nature of physician-patient interaction (e.g., that the physician makes arguments of a non-medical sort, as in seeking placebo responses).

There is an article of faith scholars of many schools often take for a fact, viz., that there is a known difference between convention and orthodoxy on the one hand and justified or plausibly true beliefs on the other. The latter is nearly always said to be superior (in many senses) to the former—the most basic reason being that convention and orthodoxy are said to be happenstances--social accidents. This view conventionally permits the inference that the ideas of convention and orthodoxy cannot do philosophic work, i.e., they are merely "sociological" concepts that cannot bear upon "rational" questions. Field theory is often held hostage to this view. If fields are nothing but descriptions of social accidents, they are bland and innocuous philosophic concepts; they merely describe the desiderata of daily life. So viewed, field theory describes barriers to be circumvented, the layers of deception waiting to be peeled away (in Russell's view) or mere shadows of genuine claims (in Plato's sense). The aim is to burrow through these social--incidental--practices to lay bare the bases of genuine worthiness. This will function to determine the outcomes of field research before it starts.

As far as I know, there are no conclusive empirical arguments that this thinking is faulty; but, as well, there is not one whit of evidence that it is correct. The belief that convention and orthodoxy are (by nature) distinguishable is merely a doctrine often taken for a fact. The familiar skeptical questions arise when such claims are made. If the advocate of universal principles is beaten back to a particular field (i.e., to point to a field's standards as a final guarantor of a claim), the coup de grace comes not from skeptical questions but from field theory. One can point to fields which justify everything fideistically and others which do not. But on what basis could the latter be said to be superior to the former for certain purposes? The fact, e.g., that a particular science succeeds with its interests cuts no ice in a different field grappling with different questions. Moreover, it is not entirely plausible to catagorically claim that particular sciences are never justified fideistically—especially if they cannot justify their method by their method. Witness the dispute between the creationists and the evolutionists--both sides claim that the other functions religiously; and to an extent these charges are equally deserving of our attention.

It seems prudent to bracket such grand scheming, i.e., trying to settle once and for all the dispute between the sociologists and the rationalists. At best, this is premature given the infancy of field studies. I prefer to proceed on the assumption that the social practices ungirding fields are interesting in and of themselves, worthy of attention because they reveal much about the bases of the grander arguments.

I have developed these preliminary assumptions about argument fields by considering Toulmin's program. It may prove useful to review, not the specific arguments but some of the main conclusions I have drawn from this critique

Professional associations, contrary to Toulmin's claims, are poor field exemplars. Toulmin uses professional associations (e.g., "psychologists," "sociologists," "philosophers," etc.,) as exemplars of rational enterprises, although these do not square with his stipulation that a community of scientists is one organized around a shared problem focus. Nor does this square with defining fields by reference to logical types unless type theory is tied closely to some picture theory (or variant thereof) that would say that the propositions of sociology and of psychology are straightforwardly different by type.

This thinking is less useful than seeing fields as organized along issue lines, i.e., focusing not on "psychology" and "sociology" but on the names for schools of thought within them, viz., "behaviorism," "Freudianism," or "constructivism." Two "behaviorists" have more in common with one another, even if one is a psychologist and the other a speech communication scholar than do a behaviorist and a Freudian even if they are both members of the American Psychological Association. The behaviorist holds the Freudian's problem foci in disdain; and a constructivist has little truck with the problem foci of either. So, the broad labels for schools of thought rather than labels for professional academic divisions are the best ways of seeing what I have called "issue fields."

There is another fatal weakness of Toulmin's linkage of professional associations with the rational enterprise concept, viz., that very few Americans are actually members of formal organizations. Moreover, this formal membership is usually a characteristic of the relatively prosperous upper middle class. Ordinary fields, then, may bear no similarity at all to formal organizations. Notice that the schools of thought are rather more informal than formal, i.e., that formal membership is far less important than the ideas one is committed to and the standards one is willing to abide by.

In this way, I have tried to make the field notion apply to a far broader range of phenomena than Toulmin might wish. For instance, the relations between spouses or close friends or intimate associates comprise relational fields for which the background assumptions of arguments are features of the long-term ongoing interactions which make up the relationship. Encounter fields are created in single encounters by the definitions of situation made by strangers--they come to be and pass away as the interaction between the strangers does. Issue fields consist of shared orientations toward "ordinary" or "customary" arguments vis-a-vis some organizing paradigm or issue. As I said, schools of thought are one kind of issue field; pro and anti abortion movements are examples of a more ordinary kind.

These three senses of field obviously overlap one another in several complicated ways (e.g., an issue field might contain many relational or encounter fields; and any of these might be of a disciplinary or non-disciplinable sort). These overlaps show that the field notion is a way of conceptualizing definitions of situation--a way of setting certain orders of situational definitions apart from others, lumping certain activities together. This is important because it reflects the one indubitable fact that every field theory has to work with and account for, viz., that all human action is context embedded.

Notice that these senses of field do not automatically equate it with traditional sociological thinking about "groups." Some fields are groups, others are not--which means that the field notion is broader than the traditional group notion. Notice that the three claims to be taken up below bear precisely upon a need to clearly define the relation between, inter alia, individuals and groups and the relations between what we say of such sociological relations and the status of any individual in an argument field.

As a preliminary to understanding these complex relations, I introduced the idea of *normative fields* as the broadest classification of fields, i.e., embracing relational, encounter, and issue fields. I sloppily equated normative fields with *reference groups*; but the analysis to follow shows why this relation will have to be carefully specified. Strictly speaking, a normative field is an actor's grounds for defining himself vis-a-vis some broader group. By this I emphatically do not mean the sort of *Gemeinschaft--Gesellschaft* (primary versus large scale society) distinction that plagued early sociology. In fact, I construed each sense of field to be interdependent with the others, which leads to the prediction that demarcations between them will be fuzzy, evolutionary, never fixed, and adapted to situations. We will never have a taxonomy or hierarchy of fields that meets traditional scientific standards of lucidity because every person shifts perspectives rapidly, implicitly, and ambiguously. The phenomenon itself is fuzzy. I am taking the idea of definitions of situation to be the most important one, *not* the idea of groups.

I will not review my criticisms of Toulmin's views other than to take note of the conclusions drawn from them. First, fields are created and sustained by the ongoing defining activities of actors within them; they are not static entities to be equated with a history of ideas; indeed, the history of ideas is among the worst conceptual models for fields; people breath life into fields, they animate them, as they deal with situations. Second, a corollary really, fields are not reducable to their written artifacts; nor are they kept alive by these; the old sociological notion of "informal structures" of groups applies here; and as far as I can see, it is devastating for those who would equate fields with their documents; such equations may work best for very compact disciplines like atomic physics--but this merely proves that such disciplines cannot be conceptual models for understanding other kinds of fields.

Toulmin's foundational metaphor is jurisprudence; and, as is, it is misleading. Descriptively, it ignores discretion--making *stare decisis* out to be almost a caricature of decision-making. The most successful features of Toulmin's exposition of the metaphor (claims are made, arguments presented, decisions are reached) are tautologous and proportionately useless to argumentation scholars. A reformed version of the metaphor *can* undergird field theory if the model of a field is the *individual trial* (with all its discretionary inputs) rather than jurisprudence broadly construed as a professional field. The reformed analogy has a counterpart in the *ceteris paribus* clauses some theorists append to rules of rationality, viz., it is not the rules (or their content or even the use of them per se) that comprise rationality; it is the situational adaptation implied in the *ceteris paribus*. For once, we have a useful model of rule-use, viz., actors decide on their actions and then find rules to justify them--which is precisely what happens in trials according to the discretionary view. This is very different from Toulmin's aim, but it is the only reformation of the metaphor that promises success in undergirding field theory.

The upshot of these and other criticisms is that field theory must cohere with (i) the context-embeddedness of talk; (ii) the relations between definitions of situation and action; (iii) the fact that theory and practice are interdependent, i.e., they illuminate one another in such a way that fields cannot be equated with their histories of ideas; and (iv) the fact that fields exist by virtue of the *faith* (allegience, trust, confidence) people place in their veridical and judgmental standards--so viewed, persuasion and justification are indistinguishable *for our purposes*. Toulmin thus poses the wrong question: field theory does not turn on "what is the source of authority of our concepts?" but on "why do people trust one standard versus another?"

Field theory is a way of thinking about social life. It assumes that social activities are comparison processes in which men check their thinking against the views of others. They do this because the world is a doubtful and perplexing place; its events are ambiguous and frightening; they seem chaotic. Chaos would freeze men in neurotic inaction unless they could objectify their thinking, i.e., test it in light of trusted standards. Fields are recurring practices by which men check their thinking. As we study them, we are studying how men build order as a social enterprise.

We do this by bracketing the grand ontological disputes. We do not, i.e., take sides. It is oversimple but nonetheless tractable to say that some people think the world is an orderly place and that it is our job to discover the order; others think the world is utter, irredeemable chaos and that this stops man dead in his tracks vis-a-vis understanding his own nature; still others think that the world is broadly ordered but microcosmically chaotic and that this positions man, not in studied contemplation of systematicity or in heroic combat with chaos but in a middle of the two.

Field theory is a social enterprise proceeding on the assumption that these matters will not soon be settled. Extreme relativism is the worst case scenario; and field theory works best when we proceed as if it were true. This is *not* the same as taking sides in the broader ontic disputes. If relativity is the starting assumption, we proceed like this: whether or not the world is ordered, men order it; and this is per se interesting. Men *may* order events in a way that turns out to be the way the world is ordered, but we cannot know this and need not assume it.

Bracketing ontology, relativity is an indubitable fact--and this odd locution is not even paradoxical as a social claim. We proceed from workable assumptions when we think that the world is ordered because men order it and that they do so in importantly different ways. It may turn out that an ideally completed social science will show that men think as the world moves (just as Kant or any of the monists claimed). But a successful field theory is propadeutic to this success because it describes how men in fact objectify their thinking. It is just as plausible, of course, that field theory might turn out to be the whole ontological story. For our purposes, the things people feel and believe are as real as anytning else. This could be denied by those who equate reality with physical properties, tangibleness, concreteness; but, for our purposes, of what good is such a distinction? It serves only to close doors, not open them. It exaults certain subject matters over others, but who cares?

We are on perfectly tenable grounds in ignoring all this. Fields are the ways men symbolically order their thinking, objectify their predictions, and make their activities orthodox. Even bracketing ontological matters, these are still nearly well-neigh insolubly complex. This is especially so for the ordinary fields. But they nonetheless demand our attention. Epistemically this is true because the disciplines are exotic special cases of ordinary life; sociologically this is true because ordinary life has profound consequences for every order of activity.

These claims may serve to describe the sort of theoretical framework I advocate. Since the particular questions we have posed cannot be answered sans assumptions, the foregoing may suffice as a background against which the three claims can be considered.

REQUIREMENTS OF THE FIRST CLAIM

I want to consider whether we can coherently and plausibly say that (i) *A is in field X* or that *A is a member of group X*. I proceed on the assumption that field theory is untenable if this proves impossible. I also assume that we need to think through the implications of (i) to have a clearer understanding of what a successful field theory will say. For instance, notice that the two renderings of (i) are interchangeable or similar expressions if and only if we implicitly assume that "field" is synonomous with "group." If there are differences between groups and fields, the phrases "in field X" and "a member of group X" cut rather differently. If the differences are clear enough, it may be easier to prove that A is a member of group X than to prove that A is *in* group X since two very different orders of phenomena are being described. So the importance of the present question is that it challenges the capacity of field theory to illuminate instances, i.e., our ability to say "*that* person is speaking thusly because he thinks he is doing thus and so; and *he* thinks this way because he is using field X to guide his defining activities." Field theory cannot plausibly or coherently countenance such claims unless it confidently plugs content into (i).

Claim (i) does not pose academic questions; it embodies the most basic questions field theory is supposed to answer. For instance, if a man makes a claim on our attention and belief and we take that claim to be interesting in some important way, then we typically ask two preliminary questions about this claim, viz., what does he mean by it and (secondarily) what does the claim per se (conventionally) mean? Field theory is used to answer both orders of questions. If we know that a speaker is *in* field X, we may know how he defines *this* situation. Moreover, if a speaker is *in this field*, we have some sense of the conventional alternatives he has chosen as meanings; we may explain, i.e., the dialectic between intention and convention if and only if we understand *this* man's choices vis-a-vis both. So, if we ask "what does he mean by n," we are actually asking whether he is *in* field X.

What justifies our assumption that any person can coherently or plausibly be said to be *in* a field? There are at least three alternative avenues for answering this question; but they are not equally coherent or plausible.

The sociological notion of ideal types is one answer to our query. Mannheim, e.g., concluded that individuals could participate only in fragments of a thought system; a total conception of *ideology* was thus needed to reconstruct the whole outlook of a group. This assumed that no individual could stand for a group, nor could some abstract sum of a group's individuals. So, the reasoning went, one first traced ideas to an organizing weltanschuungen and then treated individual instances as deductive instances of the ideal type.

Empirically, ideal type accounts worked best as research models when they were least clear. Their chief attraction was that they were broad and vague enough to countenance virtually any finding; and if one stretched things enough one could make virtually anyone out to be a part of some ideal type. But these research failings are only a preface to my claim here that ideal type theory cannot plausibly or coherently plug content into claim (i).

Notice first that type theory confounds the data of science with the warrants for its procedures. Mannheim got to the type because individuals did not fit his preconceptions of what a group was; he reformulated the group along type lines and then focused, as a self-fulfilling prophecy on those features of individuals that did fit the type. Put ungenerously, individuals are hard to generalize about so we shall lump them together in a way permitting generalizations; we shall check generalizations against individual findings that prove them. Mannheim thus confused his warrant with his indubitible fact. His "fact" was that no individual completely represented an a priori selected thought system. Several things might have been made of that fact, but what Mannheim made of it was that it was unimportant to his aim of saying what groups are. The aim of scientific inquiry thus became its data.

If it is true that individuals participate only in fragments of a thought system (and as far as I know, sociologists takes this to be uncontroversial), we can never categorically say that A is in field X. This is true at least if X is construed to be a static and more or less immutable structure. While ideal type theory has been elastic, I do not see how it can avoid some version of this assumption. So it cannot be said that A is in X; only that A is, in thus and so respects, but not others, in X. But in what respects? Here, only a tautology can serve ideal types, viz., A is in X insofar as A has the characteristics of X. So viewed, the species might move from genus to genus when certain characteristics change in importance. This has the twin defects of being circular and of exhaustively stipulating that circumstanced action is not the main object of interest.

So if we take fields to be ideal types, we can always forcefit an instance into our broad categories; but we will possess no theoretic constructs for proving (i) the broader importance of our finding; (ii) the nature of our finding, what it means; and (iii) the relation of our finding to other important concepts. Hence ideal type accounts cannot plausibly or coherently plug content into claim (i). It is implausible because it makes individuals out to be deductive instances of what (one might say) seem to be Plato's first forms. It is incoherent because it is circular. Stated alternatively, type theory can deductively place a person in a field, but this is neither plausible nor coherent as a social theory.

Another way of answering the demand for justifying a claim that A is in X is Toulmin's appeal to logical types. This functions similarly to ideal type theory on the sociological side, but it is more intuitively attractive to argumentation theorists because it stipulates that a field is to be defined by virtue of the structural characteristics of the talk within them. Seen this way, psychology differs from sociology (if it does) by virtue of the types of claims being made. It is at once obvious that "logical types" cab be variously construed and that the cogency of the present claim turns directly upon which choice we make.

Let us first try out the construction that goes like this: logical types are *substantive* characteristics of statements. This would mean that psychological statements are about psychological processes and sociological statements are about society. This construction seems prima facie plausible since Toulmin does insist on using disciplinary/professional labels to name his rational enterprises while not having dropped his early commitment to type theory. Consider also that "Harry is a British subject" and "Peterson is a Swede" can be seen to be *types* in the sense that they are about different things. We presumably are assuming some variant of a picture theory of language is valid, i.e., that "psychological," "sociological," and "speech communicational" statements differ in type because they picture different slices of reality.

But this is silly. "Harry said, I am feeling very unCatholic after talking to you" confounds all three "types" in a nontrival way. It shows that logical type theory cannot square with two ideas that social theorists take for granted, viz., constructive alternativism (in one guise or another, any claim that all phenomena can be alternatively interpreted) and field theory (in one guise or another, any claims that knowledge communities define themselves by reference to--loosely speaking--some picture of their subject matter).

Notice that I am trying to make sense of type theory without using Russell's theory of descriptions or the reductionism in Wittgenstein's *Tractatus*. Nor am I taking sides in any of the purely internal disputes among logicians about the status of type theories (e.g., versus set theory). I proceed this way because these logicians have not tied type conceptions to natural languages *in principle*. So I shall take it for granted that field theory shall have to be based upon views of natural languages and that we possess no theoretic resources for grounding the field idea in, say, the ideal language of the *Principia Mathematica*.

Toulmin, in tying field theory to logical types, does not specify the version of type theory he has in mind. As I have elsewhere argued, his examples do not unambiguously point to any particular line within type theory. We do not know whether our model is to be Quine's *Mathematical Logic* or Ramsey's "New Foundations." These are nontrivial ambiguities when we seek defining characteristics of argument fields. And, as an exegetical argument, it also needs saying that any of the variants of type theory do not square with Toulmin's view of the rational enterprises; nor can they without positing a unified ideal language. This *may* be the program of the projected third volume of *Human Understanding*, i.e., some ideal language may be what Toulmin has in mind as the impartial standpoint of rationality. If so, it will not square with the vision of argumentation theorists working with the field concept; nor will it square with the professed air of steering a middle course between absolutism and relativism. That is, in principle, an ideal language asked to serve an an impartial standpoint will function much like Carnap's "Language II." It will take some doing to make this fit into sociological conceptions of argument fields.

I doubt that this is Toulmin's program, if for no other reason than that it would resonate oddly with his powerful attacks on the "cult of systematicity." The logicians now grappling with type theory are certainly part of the cult; if type theory is not a logical or mathematical matter, while it might admit less of the cult of the system, it would be unclear just what it was. It might be some account of syntactic and semantic categories in the natural languages. This in fact is a prediction that coheres with my criticisms of Toulmin elsewhere, viz., that he focuses excessively on the conventional structures of meaning to define fields. It is also consistent with my earlier claim that Toulmin makes no commitments to rhetorical and communication concepts, i.e., that his Darwinian metaphor, strictly speaking, does not require and does not use any cogent sense of "rhetoric as epistemic." Lacking this concept, Toulmin will presumably not move in a direction (say) akin to Burke's dialectical view of the "great molten mass" of meaning.

Since a syntactic and semantic type theory might go any number of ways, I shall not attempt to spell out objections here. The most modest claim to be made is that it is hard to see how such an account would square with the sociological and rhetorical groundings usually given to field theory. An argument I have made about rationality as an invariant applies here: syntactic and semantic invariants will work best the more abstract and content free they are; the warrant for warrants will not countenance or undermine any particular warrant (and thus will be as silent to circumstanced discourse as any of the absolutist schemes Toulmin has rejected); syntactic and semantic types are mostly likely to yield only certain connective principles that say, *inter alia*, that inferences ought to be warranted by warrants of a special type; this will make the warrant for warrants not unlike the concept of presumption (which I have taken to be successful universal arrived-at without recourse to syntax or meaning analyses). Syntactic and semantic type theory would work best as an ontological rather than a procedural principle (on the assumption, one might think, that at some higher order of analysis, meaning and procedure are merged into some superordinate ontological principle).

This hardly scratches the surface of the matter, but I shall have to let it rest. We do not now possess a type theory that can successfully work with the sociological vision we have of field theory; and it remains to be seen whether such a scheme can be contrived. For now, type theory, even in the loosest sociological reading such as the one I started with, cannot coherently or plausibly countenance the claim that *A is in X*. Even a weak version of constructive alternativism demolishes this, viz., by virtue of the claim that any statement can be alternatively seen as a psychological, a sociological, or some other claim for reasons that have no relation to its syntax or semantic structure.

The rejection of sociological and logical type theories opens another way of justifying any claim that *A is in X*. Failing in making the individual a deductive instance of an ideal type and in making the individual's utterances formal defining principles, we are left with the plausible view that whether *A is in X* depends strictly speaking upon how he intends toward his utterance, what he thinks he is doing, whether he thinks he is in X. This reasoning would work to refute Mannheim's claim that a group cannot be an abstracted sum of its individuals. Mannheim got this claim by way of a focus upon group members as bearers of an ideological thought system as a whole. While the present field theory can use ideology as an incidental organizing concept (granting, i.e., that ideology might be central to some fields while peripheral or irrelevant to others), it does not require it. It is just as plausible to see ideology as a special social-political variant of the more basic theme that fields are abstractions about recurring practices (in the Chicago School sense already spelled out).

This reasoning squares with the view (defended elsewhere) that objectivity is a subjective accomplishment and that entering a field is a process of objectifying. This makes the social comparison notion the root metaphor of field theory. It comprises the root process of socialization and cognitive development, and it follows *ex hypothesi* that it is central to explanations of how actors enter social groups. Fields are thus viewable as recurring patterns of comparison organized around (provisionally or blindly) trusted judgmental and veridical standards. One of our ways of knowing fields is to consider the foci and ranges of convenience their standards are thought to have, these being embodied in the uses actors make of them in situations.

Where do these arguments (provisionally granted) take us? *Inter alia* they yield a way of explaining why A chooses field X, not Y or Z for objectifying something. If *A is in X* implies the question of how he got there, we have a way of intelligibly answering it. *A is in X* not willy-nilly but because of constructive choices he has made, because being in X makes things intelligible. This tells us that of the two readings of (i), *A is in X* is a far broader claim that *A is a member of X*; "in" is a more complex and inclusive term than "member and more precisely says what we mean. Membership is one sense of "in," but without knowing how a speaker intends toward an utterance we cannot assess the importance of membership. Mannheim's error thus turned upon a confusion of formal groups and memberships with thought systems; unsurprisingly, he found no individuals who bore in toto the whole of a system. Toulmin similarly errs (for our purposes) in identifying fields with professional associations. These errors in different ways blur the boundaries between issue fields and focus upon their most superficial aspects, documents. The standard sociological notions of multi-valence--that everyone belongs to many groups--and informal structure--that social arrangements and practical routines are interdependent with formal structures -- undermine the focus on written documents and broad thought systems. The multi-valence notion requires that we take the psychological field to be the most basic sense of the field notion (and see movement from field to field in terms of the constructive accomplishments of the actor). The informal structure notion requires that the unwritten rules and implicit background assumptions undergirding daily practices cannot be ignored. It is not that the formal structure is unimportant but that it is able to succeed (in any case) because of its interdependencies with informal social arrangements.

We can thus drop the second reading of (i) on the grounds that formal membership does not dependably illuminate discourse. *A is in X* is more precise; it says that *A is in X* because A takes a *perspective* so labeled. Notice two things about this. First, we say that A's getting into X is his own constructive accomplishment because our focus is on A not X. The earlier arguments presumptively prove that one cannot coherently focus on X without knowing what X is (without seeing how A and others use it to objectify their private interpretations). We risk immediate trouble proceeding any other way, e.g., the dispute about whether issue fields or Toulmin's disciplines are the best field model cannot be settled apart from this focus upon practices; we have no grounds for comparison. In this respect, Kuhn's claim that one can best know a field by looking at (and performing) its practices is plausible. We understand cost-benefit analysis by *doing* cost-benefit calculations rather than exclusively focusing upon its textbook proclamations.

Notice second that this cleans up an obvious confusion. We sometimes say "A is wrong; he is in Y not X," e.g., he says he is making an economic argument when in fact he is making a psychological one. But claims of this sort require that the critic be omniscient--and demonstrably so--as well as provably in control of the ideal unities of the various subject matters (this being the strongest imaginable version of the type theories). Only these two assumptions combined can rescue locutions such as "A is *actually* saying N." *Fields* can make these judgments as purely internal matters because they are equipped to judge the competencies and excellences of their actors. But criticism is a field outside these fields--which must demonstrate its right to evaluate arguments on interfield bases. It is not at issue whether fields can judge what A ought to say--they take this right to be fundamental to their operations (especially the disciplines). It is in question, rather, whether critics can coherently make such claims.

In sum, we go far toward saying what a field is by specifying the conditions for saying that someone is in one--the best candidate being that *A is in X when he thinks he is*. This squares with the importance we have imputed to the psychological sense of "field." Field description thus turns upon descriptions of the recurring themes in definitions of situation, contexts, and purposes actors refer to when they are doing X.

REQUIREMENTS OF THE SECOND CLAIM

I turn now to the sense that can be made of (ii) *A is arguing in (or from) field X* To clarify the problems at hand, the differences between this claim and (i) merit elaboration. To start, it seems useful to emphasize the methodological nature of (ii). We typically say *A is arguing in X* to legitimize our use of field theory to tell us what A means. The assumption is that a field description is the enabling basis of inferences about particular claims. In effect, we assert that A means n because A is in X with the implied caveat that he would mean something else if in Y or Z. Claim (ii), then, arguably embodies the highest ambition we have for field work.

Claims (i) and (ii) are not circular because they are posed with different purposes in mind. They are interdependent issues, but we try to plug content into (ii) not specifically to understand X but to understand a particular utterance; (i) is thus a precondition of success with (ii), but the reverse does not obtain. To ask whether A argues in X presupposes that we know X which—for reasons already advanced—presumes that we know A (i.e., we ruled the alternative construction, saying that one could know A by knowing X on purely empirical grounds). Our fleshing out of (ii) may add to our understanding of X by giving yet another example to mesh into the broader explanation; but the main task at hand is illuminating particular statements. The importance of this is that it proves that success with both (i) and (ii) is a minimum expectation of any field theory focusing upon social groups.

With these considerations in mind, let us think through the problems of plausibly and coherently saying that A argues in X. The methodological implications of this may seem innocuous; but this claim poses nearly insoluable problems for any but the strong relativistic reading of fields. Even with the strong reading, it is not entirely clear that we can coherently plug content into (ii). The problems are formidible.

It might be objected that this is a false problem because there are some straightforward cases, e.g., atomic physicists talking physics. But this presumes satisfaction with a narrow definition of social fields that rules ordinary fields out. These nondisciplinary fields produce instances we are likely to find interesting, and since the disciplines cannot (we have argued) serve as conceptual models for understanding ordinary fields (because they are built around different professional and epistemic purposes), the narrow view solves the problems of (ii) at too high a price.

Ordinary fields (as well as some of their disciplinary counterparts) are fuzzy, ill-defined perspectives; they are not immutable and fixed, nor are their groundrules always explicit. The problem is that we want to say clear and determinate things about them. The risk is that in doing so we change their character and obscure important aspects of their operation. The alternative risk is that if we respect their unclarity and implicitness too completely, we shall end up being unable to say anything at all about talk. Since the precondition of saying A is in X is being able to say that A thinks he is in X, and since success with (i) is a precondition of success with (ii), we shall have to try to coax plausible and coherent results from (ii) by virtue of our ability to say that A is depending upon X's standards—which makes research and criticism perspective-taking enterprises.

Consider a claim typical of ordinary speech, "abortion is unnatural." This claim is ambiguous in several important ways, and we cannot make sense of it without constructing a context for it. The main question is how field theory assists us in this undertaking. Since success with (i) is a precondition of (ii), we must start by paralleling our exposition of (i).

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We might, e.g., try to interpret the claim by asking who said it, paralleling Mannheim's view of social rules in a loose way. Thus, "abortion is unnatural" takes meaning from the role demands of the speaker, (say) a policeman, biologist, priest, or sociologist. Equating fields with professional divisions seems inevitably to issue in something of this sort. But we could never be sure that we proceeded correctly. The multivalence notion calls every step into doubt (the priest, e.g., might not be speaking as a Catholic but as a humanist). Perhaps the physician makes sociological claims as well as political ones because these are tied together (as a constructive attainment) into a coherent epistemological package centered upon "being a

Catholic." Examples of this sort have led Cicourel and others to stress our conceptual inability to define what role-taking and role-enactment mean. The core assumption is that without knowing how a particular physician defines that role, one can infer little about the individual from the general label. Cicourel and the ethnomethodologists who follow him distinguish between interpretive procedures and norms, the difference being tied to the difference between consensus and social structure. This permits the inference that broad role labels are relatively useless apart from considerations of the interpretive procedures by which actors arrive at definitions of situations. While any particular analysis might reveal that a broad label is useful, another particular instance might just as plausibly prove the opposite.

To continue paralleling the previous discussion, logical types will not help us with "abortion is unnatural." The two main terms--which seem *prima facie* typological--permit a near infinity of interpretations; if we assume that the claim is a *situated* one, we are obliged to select not any interpretation, or the best one, but the one the speaker had in mind. "Unnatural" does not seem even to name a field at all: it seems to require that we ask from what standpoint the word makes sense. Obviously, a stricter sense of types yields absurdities. We could say that the claim is an ontological one (as opposed to value claims); but this would blur all the distinctions between fields which make ontological claims. Since "unnatural" could plausibly take meaning from many different frames of reference, interpreting the claim as ontological (versus everything else) would be tantamount to opting out of field analysis.

Failing in defining "abortion is unnatural" in terms of roles and logical types, we commonsensically turn to the circumstances of utterance. As with the first claim, we are on familiar turf in assuming that many different interpretations might be justified. Our theoretical framework directs us not to deterministic readings of situations but to the stricture that people act toward events on the basis of the meanings these events have for them. On this argument, Blumer and the interactionists urge that we not oppose "*situations v. interpretations*" but see them as being bound together in every actor's ongoing cognitive arrangements. I shall not rehash the familiar objections to deterministic readings of situations. One argument may suffice: if situations determine action and (thereby, meaning) we should consistently find interlocutors who disagree about (say) abortion but agree on the meaning of "unnatural." But this is demonstrably untrue of abortion arguments (and, indeed, of most ordinary arguments). We quite expect to find profound disagreements about "unnatural" and (as well) about the groundrules for deciding the things which fall within its focus of convenience. So, an exclusive focus upon structural situational features is unlikely to yield interesting claims about the meaning of claims.

The present theoretical framework directs our attention to the definition of situation on the grounds that all utterance is context-embedded and thus endowed with meaning by definitions of context. To ask what our claim means is thus to ask what a speaker intends to do about abortions and things "unnatural." Our analytic questions are (i) what hypotheses are being tested? (ii) what assessments have been made by the speaker of others' perspectives? and (iii) what accomodations has the speaker made to these imported points of view?

"Abortion is unnatural" can be studied as a purely conventional linguistic act. But it is just as plausible that everyone works with implicit theories of what is natural (in every respect similar to implicit theories of personality, argument, society, etc.). This squares with familiar claims that "nature" is a powerful metaphor because it is a "dead" (taken-literally) metaphor providing exceptionally ambiguous orientations to events. Thus, proceeding along conventional lines yields no insights into a particular meaning, i.e., does not tell us what *this* argument means.

The interpretive view frames the question differently, i.e., in terms of how the speaker makes sense of his own claim. This highlights the special merits of argumentation research based on interpretive assumptions. My argument is that argument interactions are naturally occurring corollaries of research acts. It is rather as if we stand back and watch while Ss frame their hypotheses, select methodological apparatuses appropriate to them, and conduct their own research acts. Arguers are trying constructs on for size in a uniquely explicit way. They are playing out the implications of particular definitions of situation. Arguments are valuable research foci because more total information about private cognitive processes is routinely made explicit than is usual in other forms of social interaction—this owing largely to the inquisitorial nature of arguments. Arguments are experiments requiring more elaborate covers and detailed protocols; they have the unique characteristic of being open-ended and subject-controlled; the Ss are more or less left alone, not in a rigidly defined experimental context but in the process of living as they see it. Argument studies thus amount to the E saying, "design your own experiment and let me watch."

This is not a complete explanation, but it hints at the possibility that things will go easier for us when we study claims occurring in arguments. One obviously can proceed along participant observation lines, interviews, and even experiments. The merit of the focus on argument is that a claim like "abortion is unnatural" is usually followed by demands such as "what do you mean by unnatural?" This is tantamount to asking, "by what tests do you expect your claim to be judged?" This does not mean that every speaker who makes biological claims is willing to submit to the tests of biology (religious or political tests might be preferred); nor does it necessarily mean that a biological claim is invariably at risk of biological standards; it is the definition of the situation which determines this. The critical interest is not especially in whether a claim is wrong or right but in what it means. Thus, we say that A is arguing in X because he puts himself at risk to X's standards. While we might disdain A's choice of standards (for many reasons), the field notion clarifies our burden of proof in making objections. We recognize as well that A might lie about the standards he chooses. For instance, one organization now uses religious arguments to counter certain claims of the "moral majority" movement but admits that its central premises are humanistic rather than religious—religious claims thus being held hostage to secular standards.

This points to a difference between traditional movement studies and field studies. I am not using the *topoi* of a movement to define fields. *Topoi* symptomize the theoretic framework that gives meaning to claims, and to a point the field scholar proceeds similarly to the movement scholar (e.g., one's first hint that A speaks in X might be that A uses X's *topoi*).

But *topoi* are incomplete descriptions, (i) because conventional lines of argument are sometimes shared by many different fields, e.g., the *topoi* of science crosses many boundaries, and (ii) because conventional claims undergo subtle and not-so-subtle transformations across fields. Fields differ just because they lead to different situated uses of ideas; thus two fields might agree that science must be objective but disagree profoundly about what "objectivity" is. *Topoi* will not consistently allow us to point to X on the basis of A's statements. After all, any political statement may mean virtually anything depending upon the assumptions which prompt the speaker. A claim such as "government should not fund abortions" might be subjected to very different tests depending *inter alia* on which standards the speaker seems willing to risk. It is plausible to assume that many political claims are at risk only to the political standards in vogue (in the sense that a claim's truth is a function of its political effects). Alternatively, we might say that the political claim is tested against its success in building agreement in the audience. Neither case quite squares with traditional epistemic notions, though both are perfectly legitimate ways of looking at "truth conditions." They are *tests* people in fact use. So viewed they are worthy of our attention in themselves. Hence, topical systems are--on their own--ambiguous; we make best use of them by fleshing out a broader sociological context for them.

So having posed the problem in such a way that various alternative views cannot solve it, it remains to be seen that the present view can do any better. The problem is whether we can confidently say that A is arguing in (or from) X when he says "abortion is unnatural." We have so far seen that the best way of proceeding with this is to figure out which tests the speaker is willing to abide by, and one source of this appears to be the tests a speaker in practice employs when pressed.

The ordinary issue field we call the "anti-abortion" view uses (*inter alia*) two veridical standards endowing its *topoi* with meaning, viz., a realistic view of the "evidence of the senses" and authority beliefs, beliefs about which authorities to trust. The first often appears in claims such as "trust your eyes, look at the aborted fetus; it looks just like a human." Thus, a common strategy of the movement is the use of lurid photographs of aborted fetuses--these being used in speeches as well as printed materials. My own research in naive evidence use has also revealed this practice. The judgment clearly implied was that photographs of aborted fetuses speak for themselves; only perversity could fail to "see" this evidence for what it is. The second standard often appears in arguments linking abortion to murder (e.g., with the warrant of Papal pronouncements). The claim rarely involves a link to secular jurisprudence; the grounds for deciding what "murder" is reside not in secular law but in religious authority.

This does not prove that the anti-abortion movement is completely separate from all other social or political groups. To the contrary, our assumption is that boundaries between such movements will be fuzzy and imprecise. We thus expect that anti-abortion actors might draw no clear distinctions between their activities in that field and their activities in others. But despite this inevitable imprecision, we have identified a set of recurring argumentative themes which may serve as working approximations which give meaning to particular utterances.

So the precondition of coherently saying *A is arguing in (from) X* is the proof that A uses X's standards to check and buttress his claims. The research corollary is that fields will prove to have distinctive aspects—which directs our attention to the third claim.

REQUIREMENTS OF THE THIRD CLAIM

To ask whether content can coherently be plugged into (iii) *X has n characteristics (and is distinguishable from Y or Z)* is to ask whether field descriptions are possible at all. It has become clear that success with claims (i) and (ii) are necessary but not sufficient conditions of a successful field account and that these claims presuppose success with claim (iii). Failing in (iii) we would be unable to refute the claim that field differences are in innocuous social happenstances.

At the outset we must confront an apparent paradox: the strong reading of field theory (strong relativism) has permitted success with (i) and (ii) but our empirical intuitions are that field boundaries will be fuzzy and imprecise. But too much fuzziness will undermine distinctions among fields to such an extent that the strong reading will prove untenable. We have intuitions, i.e., that fields are distinct in nontrivial ways (and thus that being in X is per se interesting), and that fields share many substantive and procedural beliefs, practices, and traditions. If fields share such content to a sufficient degree, the strong reading that helped us succeed with (i) and (ii) will be bogus. Conversely, it is plausible to assume that the fuzzy boundaries that we in fact think obtain between fields must be respected.

If a critic says "Smith is making an economic argument," the choice of "economic" (as opposed to anything else) must prove important per se without unrealistic distinctions between fields being presupposed. Thus it will be insufficient to say that X has n characteristics without being able to mark X off from Y or Z. The main question is whether the fuzziness we have to respect will prove fatal to the strong reading necessary to (i) and (ii). One can distinguish among social practices in any number of ways depending on one's purposes. But our aims are empirical—which means that the distinctions field actors in fact draw are of central interest. Thus we must look at our chief field labels to see if they survive this problem.

Relational fields (e.g., relationships among spouses, colleagues, or friends) yield some clarity thanks to traditional sociological labels. We can—to make a parody of it—look at marriage certificates. We can spot other relationships by noting recurring interactions, and given the wit and time we intuitively should be able to point to particular relations and say "this is an identifiable social relationship because it has n characteristics, differing from other relationships in these substantive respects." It may be similar to other relationships as well, and our distinction does not presuppose that similarities across relationships be ignored. It is likely that spouses often argue recurringly about (say) child rearing; the specific arguments and the methods of objectifying claims will be unique, however. This is not to say that recurring themes in *all* ongoing child rearing arguments might not be found; but the meaning of any particular claim will nonetheless reside in particular fields. We end up saying, "*there* is Bob and Carol, who differ importantly from Ted and Alice," i.e., they intend differently toward their utterances in ways adapted to their special circumstances.

Roughly the same reasoning obtains with encounter fields (particular interactions). We need not assume that there are no commonalities across interactions in order to examine them on their own terms. While interactional structure seems to be invariant, the substance of claims is surely particular. Taking the notion of the definition of situation seriously, we must conclude that every encounter is in some respects unique. Discourse analysis is one way of spotting recurring themes; field theory is another; both should prove to be compatible enterprises.

Issue fields (schools of thought, movements, etc.) are another matter. Consider, e.g., the symptoms we have ruled out: we cannot define issue fields by (a) the roles of the speaker, (b) the types of the speaker's modal terms, or (c) the structural features of situations defined apart from the interpretative processes of actors. We have also said that conventional linguistic acts (what ethnographers call "speech communities") will not serve our purposes; the speech community notion cuts differently than field distinctions do because lingusitic conventions cross field boundaries.

It appears that the only way to plausibly and coherently define issue fields is to take the psychological sense of field to be foundational to the sociological sense of field. Since our aim is to speak clearly and determinately about things which are fuzzy and imprecise, we need to face up to the question of whether field theory will flounder on the idiosyncracies of individual speakers. But it does not follow logically or empirically that a surrender to idiosyncracy will in fact occur.

The choice of methodologies and techniques is dictated by the question being asked. If field theory turns upon a set of distinct but related questions, a repertoire of complementary methods will be needed. So far two distinct orders of questions vis-a-vis each kind of field have been identified. First, each sort of field is interesting in itself; for particular reasons we may want to know about this or that relation or encounter. Second, the outcomes of such studies contribute to higher level theoretical and empirical work which (loosely put) studies the effects of different organizational structures and practices (cognitive or social) upon different activities. This broader project subdivides almost without limit. We can (say) search for recurring themes in conceptual change across fields, interfield relationships--the importation of concepts as well as clear disputes, the relation of encounter and relational fields to issue fields, and the relations between convention and orthodoxy and particular field conceptions of legitimacy. This list is not exhaustive but may serve to arrange our thinking about immediate tasks.

The first line of questioning is obviously foundational to the second. First, the higher order questions do not always turn upon logical niceties or in principle arguments but upon the substantive evidence for claims. The claim that fields are substantive domains which pass muster on knowledge in importantly different ways (or, at least, which take different things to be knowledge) is an empirical claim which cannot be clearly understood without theoretically secure data. Second, success with the higher order questions presupposes useful empirical outcomes from the lower order ones. These lower order questions need not be settled (in the sense of an ideally completed science) for the higher order investigations to proceed; good working generalizations will do. A plausible assumption is that the two orders of questions are interdependent, the lower order being a precondition of the higher order while it in turn can reinforce and clarify our thinking about the lower order. To avoid misunderstanding, the distinction between lower and higher orders of questions is not that the latter is "philosophical" or "theoretical" (or some muddle of the two) while the former is empirical. Both orders of questions have their own philosophic, theoretical, and empirical concerns. The distinction stems from the quest- being asked.

Descriptively, both orders of question share the same root metaphor, viz., the construing person engaged in social comparison processes. Our commitment to constructivism allows us to see this as—most fundamentally--a communication process, an emergent, creative activitiy through which humans create, affirm, alter, and repair social reality. Since fields exist in and through communication activities, we shall want to say that they are themselves emergent, rooted in intersubjective interpretive processes. Fields are thus abstractions we make about particular practices (recurring themes we spot in them) consistent with these communicational views. Thus it is plausible to say that the psychological sense of field is the organizing notion, i.e., since the sociological fields are always interpretive accomplishments of the actors who enter them.

It is thus straightforward to say that any particular encounter or relationship is what it is because of the intersubjectively derived agreements of the actors. They communicate as they do because they see themselves doing one thing and not another, testing one hypothesis and not another. Since issue fields are merely aggregations of encounters and relations, programmatic research into encounters and relations should yield insights into the life processes of issue fields. Objectivity being a subjective accomplishment, issue fields must be social organizations centering upon shared (mutually agreeable) standards that do one sort of job and not another. We may thus proceed on the assumption that the best way to understand how fields pass muster on knowledge is to observe their actors doing so; our holistic hypothesis is that these social processes do not differ in a mystical way from the ways humans generally try to objectify their thinking. Fields do accomplish things individuals cannot; they do this by providing collective security, communal traditions which can (for one reason or another) be trusted. Field accomplishments are thus constructive accomplishments--artifacts produced out of the ongoing interactions that animate fields.

There is nothing unattainable about the lower order questions. They pose problems of understanding how actors take the perspectives of others, how communication serves this enterprise, and how actors are socialized into fields. Strictly speaking, it is unremarkable within the constructivist tradition to speak of eliciting and describing the structure and content of a person's perspective and (thus) describing the groundrules by which objectivity is a subjective accomplishment. Thus, an issue field description might focus upon the recurring purposes, substantive foci, and veridical procedures which (any) field's actors use when they define their activities such that they are "in" the field.

Successful field studies thus require an arsenal of approaches by which we triangulate toward a field description. An obvious experimental condition would pose conceptual problems and note the recurring themes in S's strategies for dealing with them. Such experimental problems would be intuitively suggested by participant observations of fields—these observations themselves being grounded in the sorts of theoretical work being done here. Consistent with this apparatus would be the usual array of documentary research, interviewing, and theoretical analysis—a multifaceted approach which Foucalt's term "archaeology of knowledge" may be distorted to describe.

The higher order questions are also tractable, but they yield to different procedures, especially analysis and criticism (although participant observation may serve both). Criticism thus uses field descriptions in order to illuminate particular instances of discourse when it can employ an "as if" maxim of its own, i.e., when critics can justify proceeding as if their understandings of a field are sufficiently fleshed out and accurate to justify critical claims. Field theory (as well) describes the conditions of critical judgments—especially that criticism is itself a field; its judgments of field actors are interfield arguments bearing the same burdens of proof attendant on anyone in a particular field who presumes to evaluate the work of someone in another field.

We have, then, appropriate and complementary procedures for dealing with the main questions posed by field theory--in principle and in practice. This does not prove that our interfield distinctions will clear enough to permit precise analysis while fuzzy enough to do justice to the empirical sociological facts; but the merit of the present view is that it identifies this apparent paradox as the crux of the matter. Field theory stands or falls on its capacity to survive this paradox.

CONCLUSIONS

One particular (sociological-rhetorical) version of field theory has perhaps been clarified. While many versions of field theory are feasible, my aim has been to specify the implications of taking the relativity between fields seriously—what I have called the "strong reading." This is to be understood in terms of the holistic framework suggested by constructivism and interactionism. Subjectivity is understood to be the organizing problematic of daily life; social comparison processes are understood to be the means by which actors grapple with the limits of psychological fields. The main upshot of this is that actors enter fields, either because they are "domains of objectivity" (a la Foucalt) or because they offer other social attractions. The second--deeper--sense of relativity thus arises when the differences between these communal traditions are considered.

Field theory is the drawing of distinctions among these traditions for particular critical or analytic purposes. It functions most basically as the study of conventions and orthodoxies and the pragmatic uses people make of them. Its foundational metaphor is the construing person engaged in roletaking and social comparison; its central aim is to understand the conditions of knowing and the character of things taken as knowledge by considering their fit into epistemic frameworks. These frameworks often overlap by virtue of using common methods and beliefs; othertimes they sharply differ.

I hope to have specified the most workable senses in which content can be plugged into field theory—and in doing so, explained field theory's explanative power. If field theory is accepted on the strong reading (given our special sociological and epistemological aims), content can coherently and plausibly be plugged into the three claims considered here. I take these claims to be natural outgrowths of epistemic aims. While other aims will inform other field theories, we need not be too concerned about this. It is far too early to get bogged down in doctrinal squabbles.

FOOTNOTES

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[*] I am endebted to Scott Jacobs and James Klumpp for helpful comments and criticisms.

[1] See Stephen E. Toulmin, Human Understanding (Princeton: Princeton University Press, 1972); Knowing and Acting (New York: Macmillan, 1976).

[2] Charles Arthur Willard, "Argument Fields," J. Robert Cox and Charles Arthur Willard, eds., Advances in Argumentation Theory and Research (Carbondale: Southern Illinois University Press, in press); Argumentation and the Social Grounds of Knowledge (University, Alabama: University of Alabama Press, in press).

A DRAMATISTIC APPROACH TO FIELDS

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The thrust of this program represents what I take to be a departure for field research. Rather than attempting to develop a theory of fields, the program urges us to take the concept of field of argument and turn it toward research problems. In that spirit my interest is in using fields to expand a dramatistic understanding of socio-political communication.

Let me begin by tracing the problems I address. I do so by offering two cases that represent a lacuna in our dramatistic understanding of rhetorical communities. The first case grows from work accompanying Ernest Bormann's fantasy theme studies. During the developmental stages of fantasy theme analysis, those of us working at Minnesota focused on social communities developing characteristic ways of communicating which defined their reality, motivated their actions, and in the process gave them a greater sense of community. In studying such communities one soon sees that they argue, and argument defines a similarity within communities and differ in significant ways from community to community in strategic form as well as in content. Traditional typologies of argument do not provide a satisfactory method for describing this variety. As a result, much of the research defining rhetorical communities has ignored the characteristic ways they offer information to test their perceptions of their situations.

Case two is a type of dramatistic analysis which studies conflict within communities rather than the unity of communities.[1] When an experienced event suggests community response, a plethora of rhetoric offers different understandings of, and thus different responses to, the event. One of the characteristics of this rhetoric is people offering information to support their views. Such rhetoric reflects, in fact, a rich variety of information cast in a variety of form with the purpose of making particular views seem the "real" interpretation. Certain of this information and these forms seem more powerful in the eventual development of a community consensus of interpretation, yet study of such events has failed to capture the sense of information cast into a form to establish the "reality" of interpretation.

Of course, these two cases join in a rather complex relationship. The events of case two represent the subject matter about which the communities in case one argue. In another sense the communities of case one are the arguers of case two--subcommunities which attempt to establish their interpretations as the interpretation of the community. We have a rich mosaic of argument performing simultaneously the unity and conflict of interpretation in social interaction. Sorting through this complexity requires a way of understanding the relationship between argument--information presented to warrant acceptance of interpretations --and social unity and conflict.

The juncture of argument and relativity I take to be the home of field research. My concern is different than traditional field theory--I am concerned with "how we come to know" only as a secondary concern to "how we perform social action"--but I believe that the use of a concept of field will fill the lacuna and add a richer power to dramatistic methods.

A Dramatistic Perspective on Argument

Dramatism considers communication to be social action. Hugh Duncan's phrase is that social ordering is performed in communication.[2] Much traditional work in speech communication has taken as its task an answer to the question: How is it we come to know, and to communicate our knowledge? Dramatistic criticism (not uniquely within our discipline I might add) takes as its task question: How is it we perform social action in communication? The theory stresses that communication casts experience into form. Furthermore, this form is socially constructed and then socially perpetuated to be called upon to encounter new experience. In this framework communication becomes not something an arguer does, but something a community does. When taken too far, as I believe people like Boorstin and Goffman have, dramatism gives language the power to *be* the reality we experience.[3] That is too far for me. It seems to me beyond doubt that language gives our experience form, but there is present in communication as social negotiation of situation a sense of a reality beyond communication which people use in negotiating the meaning of experiences. Kenneth Burke alludes to this in his discussion of the recalcitrance of forms.[4] It is this element that dramatism has left unexplored. The implied research task for argumentation is two-fold: understand the argumentative dimension of communication as social definition of community and use that understanding to study the ways of arguing that characterize the conflicts in social interaction within and between communities.

The task requires that we begin by locating the argumentative dimension in a social-action view of communication. The social-action view proceeds from five interlocking assumptions. First, people *act* as they encounter experience. This assumption places our focus on action rather than the thingness, belief, or knowledge. Second, the act is *social*. Most of our actions are obviously so. In dyads, in groups, as a society, we talk about what an experience means and how we should act. But even the equally obvious case of the isolated individual action is performed against the background of a socially cast repertoire of social definition of like situations and socially valued ways to act in those situations. Third, to act is a social *response*. That is, our actions orient themselves to the experiences to which they relate. This assumption really defines the scope that we consider when looking at argument. Certainly there are cases in which we seem to be arguing about what "is so" rather than "how we will act." What the assumption dictates is that the former argument has important implications on how we then respond to the "isness" of our subject matter. For example, our arguments about what fields *are* occurs within the implicit or explicit context of our research and pedagogic action. Fourth, a social unit responds to a situation.[5] Our response integrates with an understanding of the nature of the experience and the proper response to like experiences. These are definitional situations. Fifth, communication negotiates the social unit's response. When a community encounters an experience there are normally multiple understandings of it. Through communication the community works out its choice of ways to respond (that is, its definition of the situation) and then sanctions and performs the appropriate action.

An example will serve to illustrate this process. The Israelis drop explosives from airplanes which disable the Iraqi nuclear reactor. What has happened? Have the brave people of Israel with their backs to the sea and angry hordes of Arabs at their face acted masterfully in their defense. Or has a nation led by a former and perhaps still terrorist committed an act of war against another sovereign state. Or has a besieged people committed an error of judgement for which they must admit guilt and promise not to repeat. Or perhaps other things have happened. The bombing kicks off a flurry of communication that offers different definitions of the situation.

There are implications here for our understanding of argument. First, this flurry of communication contains argument. People not only voice their view, they point to what they see as facts, perhaps even truths, past commitments, analogous situations, values, and statements by others, and they offer this information with the purpose of having others see the situation their way and respond to it as they would. Second, a body of argument about the experience contains a mosaic of similarity and difference in content and form. The argument in our example goes on over coffee, in the plant, in letters to the editor, among editorialists in the media, within Congressional processes, and in the State department and White House. We will find in each of these many places characteristic similarities in the strategy of argument and differences from other places. Yet we will also find a commonality across the places that unites all those who argue for a particular position. Furthermore, we will find emerging from all of these arguments a sort of official version of what happened, an official understanding of the meaning of the situation, and an official response grounded in arguments. Third, the heuristic elements to explain argument from this perspective are in the social interaction of communication not in the psychological "mind coming to know." To be sure isolated bits of communication are a dialectic of individual idea and the social form of the argument, but to understand the negotiation our view must be holistic. We must study the processes by which argument is performed: the casting into and diffusion of form, the acceptance and rejection of definitions of the situation, the various breadths of identification with the arguments, and the social process by which the negotiation results in an emerging socially officialized definition.

To incorporate these implications into a tentative definition of argument Robert L. Scott's strategy of defining by "sense" is useful.[6] We have a sense of argument--we know when we are in the presence of argument. We sense conflict--a sense of right and wrong in the thrust of the communication. We have a sense of information offered as a grounding for an asserted understanding of the situation. And we have a sense of a search for expanded agreement--we communicate so that others will accede. This sense of argument merges social and substantive referents in four characteristics we observe in argument. First, argument is dialectical. That is, there is a clash of people and ideas in opposition to each other and in the process influencing each other's form. Second, argument is organizing. Socially, argument forms social groupings around common definitions of situation and social divisions around varying definitions of situation. Substantively, argument sorts information as relevant and irrelevant and organizes an understanding around particular relationships in the information. Third, argument is purposive. Argument is performed to achieve a broader acceptance of a definition of situation and to bring information into the service of defining the situation. Fourth, argument is formal. Argument casts information into a form to reduce experience to a definition of situation and it does so in the accepted forms of argument within the community.

My purpose in this essay is more focused than to explore the full implications of this rich way of describing the argumentative patterns in socio-political rhetoric. Within such a general framework of study the formal characteristic points most clearly to the need for a concept akin to field to generate more specific procedures for understanding the social-substantive nexus of argument. "Field" is my term for stressing that accepted ways of arguing vary, but that the variety clusters around some sort of social identification.

The search for a dramatistic definition of "field" begins with the happy realization that concepts which mark commonality of form are familiar features of dramatism. Terms such as "universes of discourse," "social frameworks of knowledge," and "rhetorical communities" serve to aid description of the relationship between form in language processes and a sense of community. Placing our concept into such a cluster implies several defining characteristics.

First, fields are understood to be emic structures.[7] This implies that "field" is a methodological term which entails no claim that people participating will succeed or fail in recognizing the field. In addition, emic structures are relational, that is, fields mark performed covalent patterns observed in the communication of social interaction.

A second characteristic is implied: a field exists in a shared performance of argumentative pattern. The implication is that to describe a field you describe not the people in it, but the communication which is its form. Consider a cocktail party conversation. I procure a drink and walk up to a conversation in progress. I listen for a while, acquire the drift, and then join in. After a time as a lively participant my glass empties and I leave to refill and perhaps move along to another group. The conversation goes on. Certainly while participating I left my imprint on the conversation, yet the conversation had a life which preceeded my entry and proceeded my departure. Furthermore, if I succeeded in avoiding the social equivalent of "the bull in the china shop," my participation was molded by the character of that life qua conversation. Fields are of this character. They are best considered as active framers of communication which are performed as people participate in them. They show development and variety, as does our cocktail party conversation, but they exist in the character of their performance.

Thus, a third implication follows: fields are created in and continue to exist in arguments.[8] The sense of community is created in the covalent performance of argumentative form. The implication is that each communication performs both a useful and a communal function. The field is born and evolves in use of its characteristic form and will cease to exist when its form no longer shapes communication. Thus we say that fields are performed in communication.

These definitional characteristics of field are shared with other concepts in the cluster, such as the concept of rhetorical community. Field is distinguished from others in the cluster as it must to fill the lacuna revealed in the two cases which defined the task of the essay. The casting of information into form for the purpose of grounding a sense of the reality of defined situations--the sort of reality test that is implied in the social-substantive dialectic--is the performance of field. The counterpart of this function is the performance of conflict among tenative definitions of situation. Thus field points our study to the process of argument in communication. These characteristics may be integrated into the following working definition of "field": an emic structure to identify characteristic argumentative form in the performing of informational support for, and conflict over, definitions of situation in ways which derive from, and contribute to, a sense of social community. This working definition sets the stage for considering more specific procedures for operationalizing fields in research into argumentative form.[9]

Research into Form in Argumentative Communities

How does the researcher isolate an argumentative field? I am tempted to revert that question to the definition of the rhetorical community, but I think that to do so would commit a trangression akin to the genus-species confusion. Indeed, isolating fields may help us isolate rhetorical communities, or conversely the boundaries of a rhetorical community may give us a hypothesis to explore concerning the limit of a field. But ultimately fields should be defined in the argumentative character of the community itself.

If so, how should we proceed? There are some methodological assumptions to our procedure that should be made explicit. First, the limits of the field will be indistinctly marked. Over a body of communication the distribution of characteristics will allow one to see the centrality of the field clearly, and precise boundaries are unimportant. Second, fields will be overlapping and layered rather than totally distinct. That is, just as each of us have a sense of membership in communities of various breadth and distinctiveness--students of socio-political communication, speech communication scholars, social scientists, humanists, academicians, pursuers of knowledge--so with the treatment of fields in our research. We may wish, for example, to organize a description by field and subfields with subfields possessing the character o the field but with elaborations which also mark a smaller circle of unity in the discourse. Third, the field is performed in and therefore exists to be studied in the communication. Our study will, to be sure, have implications on descriptions of "thought" and "knowledge" in the field, but the data of our study is communication. This should not be confused with the behaviorists' assumption that the verbal behavior is all we need to study to understand individual processes. Rather the argument is grounded in the objective of our study being holistic in focus--argument is performed in communication. It is the communication performing social interaction that is what we are trying to understand.

With these assumptions we take a body of communication and begin looking for unity and diversity.[10] In the beginning we may have little more than an intuitive sense of community and diversity, but as we work with the data we bring two tools to our sorting process. The first is a consistency of pattern. This is in substance a content analytic process, a search for repetitive patterns in the communication. Of course, content analytic methods apply a structure to the communication, thus such a procedure requires a structure that defines the inquiries which guide our description of the field.

The other tool will be evidence of social engagement. There are in the communication, patterns of assention and objection which indicate participation in the field. I have in mind here a process analogous to Ernest Bormann's adaptation of the concept of "chaining out" from the work of Robert Bales. In "Fantasy and Rhetorical Vision: The Rhetorical Criticism of Social Reality," Bormann describes the process of group participation in language patterns: "The tempo of the conversation would pick up. People would grow excited, interrupt one another, blush, laugh, forget their self-consciousness. The tone of the meeting, often quiet and tense immediately prior to the dramatizing, would become lively, animated, and boisterous, the chaining process, involving both verbal and nonverbal communication, indicating participation in the drama."[11] A similar process, albeit at times a more subdued one, often characterizes presentation of successful argument. Acceptable arguments tend to stimulate a process of group growth that leads to group participation in the argument. In addition, there are overt indicators of acceptance and rejection of particular forms evident in a body of communication. We will note in communication, for example, acceptances of particular information as license for a claim. Such acceptance indicates to us a recognized characteristic of the field. Or conversely we see information presented and characteristically eliciting a response of the order "I don't see that that proves your point," indicating that the inference license is not recognized. We may also find such statements of nonacceptance usually followed by a chorus of "Well, I do!" from others, indicating a recognized characteristic of the field missed by a participant in the argument who is not yet performing in the field. Thus we look for cues in the social engagement that define the limits of the field.

These tools suggest that the procedure for researching fields cannot sequentially delimit the field and then describe its characteristics, but rather the procedure uses the commonality of argument characteristics to delimit the field. The requirements of an emic scheme for content analysis and the inductive procedure that emphasizes description as primary shifts our attention to descriptive procedures.

The goal of the task of describing the fields is to isolate characteristic form which defines the commonality of the field's strategy for relating information as support for interpretation. To that end Toulmin's framework of argument provides a structure which highlights the places where such strategic choices turn. Toulmin explains the framework by examining a dialogue between an arguer and a doubter whose assent s/he seeks. When an arguer makes a claim, Toulmin explains, a challenger may inquire: "What do you have to go on?" S/he will respond with the data or information that supports the claim.[12] The arguer's response to the question--the data--will be selected to satisfy the challenge. The inventional question then becomes: What type of data will satisfy the challenge? The answer to such a question is a characteristic of the field within which the argument occurs. If the challenger shares the arguer's argumentative community the selection will satisfy the challenge.

That the data presented warrants a claim is a description of normative relationships between data and claim in the community within which the argument is performed. These norms will be reinforced in exchanges where normative behavior succeeds in answering challenges and abnormal behavior elicits the response: "How do you draw that conclusion from that data?" Thus the argumentative community emerges in the acceptance and rejection of the warranting power of data for claims. The warrant in such a perspective is best thought of not as a statement of fact nor as a stylized form, but as a verb expressing the relationship between claim and data. Toulmin's use of the term "inference-license" for the warrant suggests that the authority of the warrant comes from its social rather than its factual property.[13] The warrant may, of course be expressed as a statement, belief in which is the basis for the granting of warrantable assent, but the essence of the warrant is the authorization to offer the data as support for the claim.[14]

Several data may successfully support a particular claim in the performance of a field. That some are more reliable than others leads to qualifiers which express varying degrees of confidence in the claim. In addition, most warrants carry with them exceptions in which claims are not warranted from certain data and these provide rebuttals. Characteristic types of backing should follow challenges to the warranting power of data in a field. In addition to searching for these characteristic elements in the performance of argument, the researcher also searches for the warrant-establishing procedures acceptable within the field. The vitality of a field depends on the ability to respond to new circumstances with new warrants and an understanding of the form of argument of the field includes description of warrant-establishing procedures. Our use of Toulmin is, of course, in an enterprise different than his, and we approach the analysis in terms of the body of arguments rather than the individual arguer and challenger.[15] Yet the structure helps us catalog acceptable argumentative patterns to generate descriptive research in fields.

A second important task in describing the field is isolating the cues which differentiate argumentative situations within the field. Clearly there are many acceptable patterns in the variety of arguments within a field and one of the characteristics which delimit fields are norms about the elements that indicate appropriate selection of strategies. Consider two illustrations. The field of argument will normally consider a variety of subject matter. Acceptable forms of argument will vary as subject matter varies. A legislature will grant assent to different sorts of argument when considering economic policy and when considering legislation to guarantee rights. Likewise, arguments on civil and criminal subjects will have different characteristics in the courtroom. The characteristics of arguments will also differ depending on the type of conclusion drawn: past fact, prediction, universal generalization, propriety of goal, value judgement, or justification of action. The characteristics of arguments to predict future events will differ from value judgements. Likewise, arguments to justify action will differ from arguments to support past fact. These two certainly do not exhaust the list of possible cues. In fact, one of the ways argument fields will, I suspect, vary is on the scope of the repertoire of strategies required for their performance.

Up to this point the explanation of descriptive method has focused on the commonality of form under a presumption of challenge. Just as important in properly describing fields are the conditions in which challenge is absent. I have in mind two sorts of nonchallenge situations. One is what Ziegelmueller and Dause have called the"perceptual premises" of the field.[16] This is virtually indistinguishable from the accepted social knowledge of the field. The other is best thought of as the intolerance for challenge in the field. Of course, since both of these are marked in the communication by the absence of challenge they become indistinguishable--Is the low level of challenge evidence of the acceptable social knowledge or the low tolerance for challenge? Additional cues in the communication will, however, unravel the difficulty. Intolerance to challenge will manifest a characteristic lack of argument throughout the field (or in conjunction with certain sorts of experience within the field which defines the things a field argues about). Thus the characteristic is present in rather broad strokes. The accepted social knowledge is distinguishable by isolating the sorts of nonexperiential information offered which satisfies challenges from the more basic claims offered without challenge. Although a comprehensive description of a field will include statements about the characteristic absence of argument, the problems that accompany such statements suggest the more heuristic concentration on the form of argument.

The preceeding loci of attention with the accompanying structure provides a field-centered procedure for describing the normative ways information is marshalled in the unique patterns of argument that a rhetorical community uses to perform the reality tests as experience is cast into form. We began this essay by pointing to two cases defining a lacuna in dramatistic understanding of rhetorical communities. The field-centered method provides a direct procedure for describing the argumentative characteristics of the communities in case one. Case two requires a more complex application. Characteristic ways of arguing will be found for the many positions that characterize the rhetoric surrounding the event. Most importantly, however, a focus on the clash of explanations at the point where the social and substantive dialectic is joined will show the ways of arguing that unite the various subcommunities in the common pursuit of a definition of the situation. The product of such a study is an understanding of the important region where division and unity come together in rhetorical conflict.

Some Auxiliary Research Inquiries

Absorbed into the dramatistic method, the field concept suggests some additional research inquiries. While the present essay does not afford an opportunity to explore each thoroughly, an introduction to them will indicate the generative power of dramatistic method applied to argument.

How do fields develop, evolve, and die? Fields are defined by a community's constancy of form over time. Yet, like all rhetorically developed communities the defining characteristics do evolve to meet new challenges. In the same sense, fields are born and die--new social communities of arguers come into being and some old communities disappear. Questions about these norm-change processes in the social dimension of argumentative form arise from the model we have developed for viewing argument, and their answers will suggest methods of understanding norm development in social communities.

What characteristics of argument are field-invariate and what field dependent? The explanations above suggest that the argumentative problem is field-invariate while argumentative strategies are field dependent. Of course, the former follows from our definition of argument so there is a sort of circularity in such a conclusion. The contribution of this particular perspective on fields is to suggest an inductive approach to field-invariance in which a catalog of common characteristics emerges from the body of descriptive studies of argumentative fields.

How does argumentative invention proceed? Of course, our perspective denies the priority of thought over form in invention. Instead, it argues that perspective taking is a natural part of experiencing and that perspective taking has social and substantive elements which unite in argument. The critical implication here is to displace the understanding of individual argument from a function of choice by individual arguers to one which balances individual perception with the formal characteristics of the field.

Finally, the time-honored auxiliary question should be addressed: Are there "good" and "bad" ways to argue? Tempting as it is to ignore this question and argue it has no place in descriptive study, there is a method for answering it implied in a social-action model of fields. Recall that the social-action model ties experience to response in a total definition of situation concept. Such a perspective makes the definition of situation a complex of understanding, anticipated consequences, and performance of reaction. This integration suggests evaluating ways of arguing not by compliance with a priori standards of logicality, but by the pragmatics of their success in aiding performance of appropriate community response. Thus, we might as I am presently doing study the characteristic forms of argument in the Nixon White

House to evaluate the forms which led to responses inappropriate to general societal values.

Some Clarifying Questions

Now that we have worked through the research uses of a dramatistic notion of fields, a review of some clarifying questions will serve also to summarize the ideas presented. First, how broad are fields? The question is misstated. Identification, not breadth, is the key. Fields may be as broad as cultures or as narrow as dyads, wherever a commonality of form inheres in an identification with an argumentative community.

Second, how do arguments about principles, values, and facts fit into the model? We are used to these things fitting into action propositionally--a proposition of action implies argument about these things. The social-action model ties these together in the centrality of a community defining the situation. The principle of holism argues against isolating arguments from their role in the performance of the community rhetoric. An argument about principle does not just occur in finite time and space--it fits a context of community values and principles. Nor does an argument about principle just occur in relationship to its intrinsic subject matter. By its link to community values and principles it is linked to action as the community encounters experience over time. This unarticulated function of such arguments is present in the rhetoric as community action whether it is in rhetoric as individual action or not.

Third, how do we decide who "wins" arguments? This is basically an irrelevant question. We have treated argument within a conflict model, but that we require conflict have its winners and losers is a sign of cultural trained incapacity. Understandings do emerge from the conflict and certain arguments may become a part of the officialized definition of the situation, but there are many factors besides arguments that influence the shape of emerging consensus.

Finally, we should ask: How does all this relate to the search for a general field theory? Ultimately things relate to the sort of questions one is seeking to answer. The primary question of the epistemological perspective on field is a secondary question from our perspective. It is entirely possible to spin out a general field theory from these assumptions although that is not the task of this essay.

Conclusion

The preceeding sections have left open the question of whether argumentation should be considered a study in and of itself or inevitably be a part of the more general study of rhetorical communication. I do not see the question as crucial. No study actually stands on its own if it contributes meaningfully to our knowledge. I do wish to argue, however, for the superiority of the social communication perspective illustrated in this essay. There are two major reasons supporting my argument. The first is the superiority of the social base for argument. It seems obvious that argument _is_ a social act. In all cases of interest arguments have a real or imagined audience. Furthermore, the isolation of the individual arguing leads to trivial conclusions. To describe individual argument in emic terms seldom adds anything beyond what the argument itself expresses. When we attempt to draw significance from such strategies we are more likely than not to make a prejorative statement (for example, it is a bad argument) which rests on questionable premises (for example, analogies are weak proof).

In addition, I would argue for the superiority of the communication base for argument study. It seems to me just as obvious that the arguments we are interested in are communication. This yields the methodological advantage of direct access to data for study. The search for linkages to thought that characterizes the mentalist tradition would seem a difficulty that Occam's razor would shave. And, of course, locating study of argument as communication urges us to relate study of argument to an overall theory of communication.

In a sense the argument I am making here is one that emerges from a prospect. This essay began with a search for an operational definition of field to assist in filling a lucuna in dramatistic study of socio-political communication. It ends by suggesting that the process not only yields a more satisfying scope for dramatistic study but also leaves us particularly well suited to study argument for its own sake.

FOOTNOTES

[1] Perhaps representative of this type of study is James F. Klumpp and Thomas A. Hollihan, "Debunking the Resignation of Earl Butz: Sacrificing an Official Racist," Quarterly Journal of Speech,65 (February 1979), 1-11.

[2] "The Need for Clarification in Social Models of Rhetoric," in The Prospect of Rhetoric, ed. Lloyd F. Bitzer and Edwin Black (Englewood Cliffs: Prentice Hall, 1971), p. 141.

[3] I have in mind here Daniel Boorstin's concept of the psuedo-event in The Image: Or What Happened the the American Dream (New York: Atheneum, 1962); and the strong concept of role taking which characterizes nearly all of Erving Goffman's work. See for example Strategic Interaction (Philadelphia: Univ. of Pennsylvania Press, 1969).

[4] The idea here is what we might term "reality testing." Burke discusses the concept at various places in his work. See especially, Permanence and Change: An Anatomy of Purpose, 2d rev. ed. (1954; Indianapolis: Bobbs Merrill, 1965), pp. 100-103, 255-261.

[5] My use of the concept should not be confused with Lloyd Bitzer's "The Rhetorical Situation," Philosophy and Rhetoric,1 (January 1969), 1-14. My use of the phrase "defining the situation" is in the tradition of the symbolic interactionists in which the situation includes a dimension of meaning emerging from, defined in, communication about experience.

[6] "On Not Defining Rhetoric," Philosophy and Rhetoric,6 (Spring 1973), 81-96.

[7] The etic-emic distinction is used widely in linguistics. An insightful explanation of the difference is found in William Bright's essay "Language and Culture" in International Encyclopedia of Social Science, 1969 ed., v. 9, pp. 18-22.

[8] Cf. the discussion of this concept in communication in Hugh Dalziel Duncan, Symbols in Society (New York: Oxford Univ. Press, 1968), pp. 44-46.

[9] Past treatments of field have added a focus on epistemology: How do we come to know? My interest is in a very different problem--understanding the ways communities perform their conflicts and unities by reference to substantive information. I want to steal the concept of field to do so. The approach will not be to describe the most perfect example of the performance--say academic disciplines--but to provide a heuristically useful procedure that grows from the original notion of field.

[10] The method I have in mind here is akin to the procedure Scott Jacobs and Sally Jackson call "analytic induction." The structure they

adopt is different than mine, and the assumptions of common language philosophy which guide their theory differ in significant ways from mine. See "Conversational Argument: A Discourse Analytic Approach," in *Advances in Argumentation Theory and Research*, v. 1, ed. J. Robert Cox and Charles Arthur Willard (Carbondale: Sounthern Illinois Univ. Press, in press).

[11] *Quarterly Journal of Speech*,58 (December 1972), 397.

[12] Stephen Toulmin, *The Uses of Argument* (Cambridge: The Univ. Press, 1958), pp. 97-98.

[13] Ibid., p. 98.

[14] The tendency in *The Uses of Argument* is for Toulmin to treat warrant as a statement (see for example, p. 98). This tendency may explain the criticisms of Toulmin that argue warrants are simply major premises. The present argument is that the social nature of warrants illustrated in the dialogue (warrant as verb rather than as statement of fact) is a more fruitful way to discuss warrants. This characteristic also separates the present essay from Ehninger and Brockriede. Their explanation stresses the dynamic nature of the warrant, but they argue, "'Inference' approximates in meaning 'warrant,' but inference signifies a relationship between [data] and claim, whereas a warrant is the statement that certifies such a relationship" [*Decision by Debate* (New York: Dodd, Mead, 1963), p. 99]. When later interpretations of Toulmin lose the original dynamism of the model, this interpretation probably contributes.

[15] Toulmin's main thrust in presenting the framework is an understanding of epistemology. I use it here merely as a way to identify relational elements of argumentative form.

[16] George W. Ziegelmueller and Charles A. Dause, *Argumentation: Inquiry and Advocacy* (Englewood Cliffs: Prentice Hall, 1975).

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Argument Fields

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No concept in argumentation theory has been more disputed in recent years than the suggestion of Stephen Toulmin that fields of argument exist which, while sharing some characteristics with all argument, also possess distinctive characteristics of their own. Some scholars have praised Toulmin's analysis of the invariant and dependent aspects of argument fields[1] while other theorists have argued that the field concept cannot be applied to ordinary language argument and is therefore of little value.[2] Even the meaning of the term argument field has been disputed. Some scholars treat an argument field as a definable subject matter. Other scholars identify argumentative form, decision-making forum, academic community, or some other factor as the defining characteristic of an argumentative field. In sum, the meaning and value of the concept argument field is seriously in question.

In this essay both the meaning and utilty of "fields of argument" will be considered. In the first section, I will identify the various interpretations of argument fields and suggest that none of them is completely satisfactory. The problem is that each of the definitions points to an essential characteristic of some argument fields, but no definition takes into account all of the essential characteristics of fields of argument. In the second section, I will argue that all of the important characteristics of fields of argument can be traced to a shared purpose which energizes the scholars studying a problem. I will then test the purpose centered view of argument fields by applying it to two fields : argument in the law and argument in newspaper criticism. Finally, I will sketch the implications of a purpose centered view of argumentative fields for a theory of argumentation.

The Various Interpretations of Fields of Argument

One of the dominant interpretations of argument fields emphasizes the common sense judgment that arguments about different subjects must be judged in different ways. Thus, it is the subject matter which distinguishes between fields of argument. The interpretation of fields as defined by subject matter is quite common. For instance, in the second edition of Decision By Debate, Ehninger and Brockriede refer to argument fields as "subject matter field[s]."[3] Toulmin seems to support such an interpretation at several places in The Uses of Argument. For example Toulmin argues:

> The patterns of argument in geometrical optics, for instance--diagrams in which light rays are traced in their passage from object to image--are distinct from the patterns to be found in other fields: e.g. in a piece of historical speculation, a proof in the infinitesimal calculus, or the case for the plaintiff in a civil suit alleging negligence.[4]

Toulmin's analysis of five subject areas in An Introduction to Reasoning also lends credibility to the view that argument fields are subject matter categorizations.[5]

A definition of argument fields based on subject matter has some real advantages. Such a definition mirrors common useage by recognizing that arguments in different subject areas are often quite different. However, a definition of fields based exclusively on subject matter is inadequate. First, many disputes do not occur in a single subject area. Willard notes that a dispute over abortion involves medicine, politics, the law, ethics and so on.[6] Second, a subject area may encompass several quite different types of argument. While Toulmin, Rieke, and Janik are undoubtedly correct when they characterize scientific argument in general as informal, precise, and cooperative, (Introduction, Ch. 14) some scientific disputes possess characteristics which are very different from the norm. Argument between proponents of two competing theories, which are vying for research money, might be formal, imprecise, and competitive. The argument would be formal because the arguers would be forced to follow the procedures established by the funding organization. The argument would be imprecise because the two theories had not yet been fully tested. It would be competitive because only one of the two sides could receive the grant money. Subject matter is one important defining characteristic of fields of argument, but it is not the only important defining characteristic.

A second view suggests that the primary difference between fields of argument is the form of argument in different contexts. Toulmin supports this view in The Place of Reason in Ethics when he denies that the motive for an argument influences the character of the argument. Rather, argument fields are defined by form:

> What makes Jenkin's scrawling an 'arithmetical computation' is the way in which he manipulates the symbols, not the purposes for which he does so; and what makes the writings of Bentham, Hobbes, Hegel and Marx 'philosophical' in our sense, is the logical characteristic of their statements, not the special purpose for which they make them.[7]

The Uses of Argument has also been interpreted as defining fields based on form. McKerrow argues that Toulmin's view of fields, in The Uses of Argument, is based on a linguistic theory of logical types.[8]

Up to a point, the interpretation of fields as defined by form makes a good deal of sense. It is quite clear that arguments in different contexts often possess very different form. However, argument fields cannot be usefully defined based on form alone. First, a single type of argument or evidence may be used in many contexts. Statistical arguments are used in sociology, psychology, astrophysics, the law and even aesthetics.[9] Second, in many disciplines there is no single accepted form for argument. Scientists, for example, use several types of reasoning. At the grossest level scientists use inductive reasoning to collect data, analogical reasoning in order to develop theories, and deductive reasoning in order to derive consequences from a given theory. Nor can a revised theory of logical types solve the problem. Willard argues convincingly that type theory fails to adequately describe the important characteristics of argumentative fields.[10] A definition of fields based on form alone is not adequate.

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A third perspective views argument fields as sociological entities containing all the scholars in a discipline. Physics then is that field which physicists study. Law is studied by lawyers and so on. At one point in his recent analysis of fields Willard seems to embrace this position. Willard explains: "I see more value in defining ordinary language fields in terms of the ongoing activities of the actors within it . . ."[11] McKerrow also focuses upon communities of scholars in his analysis of rational enterprises as the successor concept to Toulmin's earlier work with argument fields.[12] Toulmin himself emphasizes the importance of academic community as a defining characteristic of argument fields in Human Understanding.[13] At several points in that work he virtually equates academic disciplines with fields of argument (HU, pp. 226, 337, 365).

While a sociological or disciplinary approach to argument fields might enable the critic to describe the process by which arguments develop over time, it cannot completely explain the concept of argument fields itself. At one level, the division between disciplines is obvious (ethics and engineering are quite different) but at another level the distinction is completely arbitrary. Even in ethics and engineering there are specific issues which blur the distinction between the two disciplines. There are scholars in applied ethics who consider problems of ethical engineering. In this case it is uncertain whether the scholars involved are engineers, ethicists or both.

An additional problem with defining argument fields based only upon disciplinary membership is that students from a number of disciplines often study a single problem. Scholars in ethics, political science, criticism, philosophy, history, and mythology have studied the holocaust. Finally, the members of a single discipline may study several problems. Political scientists focus on public policy, political history, democratic theory, practical politics and so on. In sum, membership in a specific academic discipline is one important but not the only important defining characteristic of argument fields.

A fourth view of fields suggests that some types of argument fields can most profitably be equated with schools of thought. Willard distinguishes between highly organized fields such as atomic physics and diffuse ordinary language fields. In between those two extremes, he sees a group of middle level fields which are best defined by the schools of thought which dominate research in the area.[14] From this perspective, Freudianism and behaviorism are both fields while psychology is a general subject area but not a discrete field. Willard explains:

> The names for these schools [of thought] seem superior starting places for defining argument fields, viz., "positivism," or "behaviorism," or "relativism," or "phenomenology," and so on. There are, after all, "behaviorists" in several different scholarly (academic) divisions; and behaviorists in psychology, political science, and sociology would seem to have more in common than, say, a behaviorist and a constructivist who were, by profession psychologists.[15]

Willard's analysis of the influence of schools of thought on argument is quite similar to Thomas Kuhn's work on scientific paradigms. Kuhn argues that paradigms both define acceptable scientific research and provide the lens through which the scientific community views the world.[16] As a result, the proponents of competing paradigms are often unable to effectively communicate with each other. The competing paradigms reveal such different realities that there is little common ground for argument.[17] In the same way a school of thought might define the structure of an argumentative field and make it difficult for the adherents of one school of thought to communicate with the adherents of a competing school of thought.

While schools of though exercise an undeniable influence upon argumentative fields, the field concept should not be thought of as merely a synonym for schools of thought or paradigms. First, there are many argumentative disputes which are resolved without the guidance of a dominant paradigm or school of thought. In ordinary langauge disputes involving politics or the arts there are few if any well developed paradigms. Of course, Willard did not intend to define ordinary language fields as derived from schools of thought. However, if the term field shifts meaning when applied to ordinary language, scientific, and the so called mid-range fields then much of the explanatory power of the term has been sacrificed. In addition, a shift in the meaning of the term, argument fields, when it is applied across a variety of argumentative disputes, creates a new problem for the argumentative critic. If the definition of the term "field" shifts when applied in different contexts then the critic of argument must not only analyze a particular dispute, but also identify the type of field in which the dispute occurs.

A second reason not to equate mid-range fields with schools of thought is that the influence of schools of though on argument has been overstated. I suggest that the arguments of behaviorists in political science, sociology, and psychology are quite alike not only because of their shared paradigm, but also because their subjects and purposes are quite similar. All three disciplines focus on explaining the socialization of human behavior. Toulmin emphasizes the influence of disciplinary goals as a prior factor which helps explain the sharp disagreement between competing schools of thought (HU, p. 383). It would seem that schools of thought do not define all aspects of mid-range argument fields. Evidence confirming the view that schools of thought do not completely define argument fields is obvious in those cases where a paradigm is applied to very different subject areas. For example, Marxist literary criticism and Marxist economics, while similar ideologically, are quite different in other ways. Marxist literary criticism shares a subject matter, various methodologies, and theoretical concepts with literary criticism in general, while it shares only a political ideology with Marxism in general.[18] In addition, the proponents of a single paradigm may not completely agree about how a single subject area should be described. While both Willard and Burleson apply constructivism to argumentation theory, their conclusions are somewhat different.[19]

A third problem with the position that mid-range fields are best defined by schools of thought is that the difficulty of communication between schools of thought has been overemphasized. While a strong adherent to a given paradigm might not be able to understand the arguments of opposing schools of thought, the undecided element in the scientific community should be able to first listen to the arguments of both sides and then choose the superior paradigm. Even Kuhn argues that paradigm shift occurs through a reasoned persuasive process in which the paradigm which best meets the goals of the discipline is chosen.[20] Popper compares the process of comparing paradigms to an act of translation.[21] In sum, schools of though influence argument in some fields, but they are not the single or even primary defining characteristic of fields of argument.

Up to this point, I have argued that fields of argument cannot be adequately defined by reference to subject matter, academic discipline, argumentative form, or world view. Other possible descriptions of argumentative fields suffer from similar problems. McKerrow suggests that argument occurs in three main contexts (social, philosophical, and personal) which might be treated as meta-fields.[22] While McKerrow's work is insightful it cannot, nor was it intended to, serve as a complete definition of argument fields. Many arguments do not clearly fit into any one of McKerrow's three main contexts. For example, scientific argument does not fit into the social context, because, unlike social argument, scientific argument is not audience oriented.[23] While scientific arguments are validated through consensual procedures that process is dependent upon empirical research and strict standards for evidence which are lacking in the political evaluation of social truths. Nor can scientific argument be categorized with philosophy. Philosophers, according to McKerrow, argue about abstractions and do not depend upon experiential data.[24] Finally, scientific argument obviously does not occur in the personal community. Not only are some types of argument excluded from McKerrow's classification scheme, but a variety of quite different types of argument may be found in each of the three argument communities. The arguments of Lyndon Johnson on the Vietnam war, Jerry Falwell on the SALT treaty, and the National Coalition to Ban Handguns on handgun control are all addressed to the social community, but there are substantial differences between the three positions. Lyndon Johnson used the Presidency to rally patriotic support for an unpopular war. Jerry Falwell speaks largely to the true believer. The N.C.B.H. confronts the awesome power of the gun lobby and faces the difficult problem of transforming general support for gun control into a national movement to restrict access to handguns. The three contexts for argument, identified by McKerrow, clearly influence argument but they cannot be thought of as a complete theory of argument fields.

Each of the proposed definitions of argument fields has been rejected based on examples which denied the distinction drawn by the definition. It is also important to recognize that none of the individual definitions of argument fields can be accepted, because all of the definitions contain a germ of truth, which should not be ignored. Subject area, disciplinary membership, argument form, worldview, criteria for relevance[25] and so on are all important defining characteristics of some fields of argument. An adequate definition of argument fields should take into account all of these characteristics. Therefore, an argument field, like a rhetorical genre, can best be understood as a constellation of substantive, membership, formal, and other characteristics. No reductive definition based on only a single or group of formal or substantive characteristics can adequately define the complexities of argument fields.

It would seem that the critic of argument faces a very difficult task. The argumentative critic must build a definition of fields of argument which takes into account substance, form, forum for evaluation, degree of precision, and a host of other characteristics which are important to some but not all argumentative fields. In addition, the critic must gain an intimate knowledge of the field in question in order to pick out the specific characteristics which are important to that field. Fortunately, a simpler method for argument criticism is available. The critic of argument can identify the crucial defining characteristics of a given field by first identifying the purpose shared by members of the field and then tracing the influence of that shared purpose on the argumentative characteristics of the field.

Fields and Shared Purpose

The defining characteristics of a given argument field did not randomly coalesce together. Rather, the crucial defining characteristics of each field develop from the shared purpose of students confronting a problem. The actors who share that purpose choose argument types, forums for evaluation, subject areas, criteria for relevance and so on which they believe will take them closer to their ultimate goals or purposes. For example, scientists use certain procedures for evaluating argument, because they believe that those procedures will reveal scientific truths and otherwise fulfill the purposes of the scientific community. The same is true of other fields. Therefore, scholars who share the same purpose should be thought of as operating in the same field, even if they belong to different professional organizations and study different subjects.

Although Toulmin does not focus upon the importance of purpose in *The Uses of Argument* and actually denies that purpose is a defining characteristic of argument fields in *The Place of Reason in Ethics*, he does pay a great deal of attention to the influence of purpose upon argument in *An Introduction to Reasoning* and *Human Understanding*.[26] In *An Introduction to Reasoning*, he identifies the goals of a field as one of the four crucial characteristics which distinguish among fields of argument. Toulmin notes " the modes of practical reasoning we expect to find in any particular field--in natural science or art criticism, in ethical discussion or elsewhere-- will once again reflect the general purposes and practical demands of the enterprise under consideration" (*Introduction*, p. 200).

More importantly, Toulmin's analysis of the process by which concepts evolve, in *Human Understanding*, illuminates the role which purpose plays in shaping argument. Toulmin argues that academic disciplines cannot be defined adequately by reference to subject matter or membership in a professional organization. Rather, a discipline is defined and distinguished from other disciplines by the goals which its members share. Toulmin explains: "The crucial element in a collective discipline (we have argued) is the recognition of a sufficiently agreed goal or ideal in terms of which common outstanding problems can be identified" (*HU*, p. 364). As long as the members of the discipline retain a shared goal, the discipline survives. Here a shared goal is not merely one characteristic of a particular discipline. It is the shared goal which brings the discipline into existence and holds it together.

The shared disciplinary goal not only brings the discipline into existence and ties it together, but also influences all facets of its intellectual development. In fact Toulmin, at one point, refers to the goals of a discipline as having "determined its [the discipline's] specific methods and structures" (*HU*, p. 156). Toulmin goes on to argue that scientific communities are defined by three factors: current explanatory goals, the available explanatory concepts, and accumulated scientific experience (*HU*, p. 175). These three factors are organized hierarchically with the disciplinary goals at the top of the hierarchy. The disciplinary goals determine the types of explanatory concepts used by the discipline. Put differently, the members of the discipline use those concepts which they believe will best fulfill the goals of the discipline. In the same way, specific procedures, technologies, and methodologies are used because it is believed that those procedures, technologies and methodologies best guarantee that the disciplinary concepts will sucessfully fulfill the explanatory goals of the discipline. Thus, disciplinary goals place intellectual demands upon the scholars who share those goals. Those intellectual demands interact with the problem facing the discipline to produce the intellectual characteristics of the discipline.

Toulmin also argues that disciplines reject old explanatory systems and choose new ones based upon criteria drawn from the shared goal of the discipline. For example, astronomers continue to use a specific methodology as long as use of that methodology carries the discipline closer to its goals (see HU, p. 130). However, as soon as a methodology fails to carry the discipline forward or a method better suited to meeting the disciplinary goal is developed, the old method is rejected. In Toulmin's view the intellectual content of a discipline develops through an evolutionary process which brings the discipline ever closer to its ultimate goals. As Toulmin explains, "concepts hold their places in a science only by continuously re-confirming their worth . . ." (HU, p. 177).

Toulmin's work on the evolution of concepts in science can be applied, with slight modifications, to fields of argument. I suggest that fields of argument are born when a group of arguers shares a purpose in confronting a problem. The problem may be as broad as keeping the social order intact, or as specific as explaining the failure of an individual scientific experiment. There must, however, be some felt difficulty, some reason to build arguments, which energizes the group. The shared purpose (which also may be very broad or very specific) then interacts with the specific problem facing the group to produce an argument field. The members of the field study subjects which they believe are important to their ultimate purpose. They base their criteria and forums for evaluating argument on their goals. In other words, all essential aspects of the argumentative field develop from the shared purpose of the arguers.

Argument fields develop through an evolutionary process much like that described by Toulmin in Human Understanding. The members of a field retain those concepts, argumentative forums, and argument forms which aid them in attaining their purpose. Those forms and forums which do not carry them closer to their purposes are rejected. As a result, the field evolves over time. John Dewey's description of the development of logic into science illustrates in general terms the evolutionary process which occurs in all argumentative fields. Dewey explains:

> Men first employ certain ways of investigating, and of collecting, recording, and using data in reaching conclusions, in making decisions; they draw inferences and make their checks and tests in various ways. These different ways constitute the empirical raw materials of logical theory. The latter thus comes into existence without any conscious thought of logic, just as forms of speech take place without conscious reference to the rules of syntax or of rhetorical propriety. But it is gradually learned that some methods which are used work better than others. Some yield conclusions that do not stand the test of further situations; they produce conflicts and confusion; decisions dependent upon them have to be retraced or revised. Other methods are found to yield conclusions which are available in subsequent inquiries as well as confirmed by them. There first occurs a kind of natural selection of the methods which afford the better type of conclusion, better for subsequent usage, just

> as happens in the development of rules for conducting any art. Afterwards the methods are themselves studied critically. Successful ones are not only selected and collated, but the causes of their operations are discovered. Thus logical theory becomes scientific.[27]

Arguers in the same field begin with a shared purpose in confronting a problem. They want to explain the universe, build a useful system of criticism, invent a better transistor, build an equitable social order, or learn how to make better violins. That purpose constrains the kinds and substance of the arguments which develop in the field. Over time those arguments which are best suited to the purpose of the field survive, while those arguments which are not suited to that purpose are rejected.

At this point it might be argued that, while purpose is one important defining characteristic of fields of argument, it is not the only defining characteristic. For example, Toulmin notes the importance of forums for evaluation and subject matter for defining argument fields. Here, it is important to understand that I am not denying the importance of subject matter, disciplinary membership or any number of other factors as defining characteristics of fields of argument. Rather, there are many important defining characteristics of argument fields, but those characteristics can best be understood and identified when it is recognized that they all flow from the shared purpose with which the members of the field confront a problem.

The most obvious objection to the view that fields of argument are unified around a shared purpose is that shared purposes exist only in relation to particular problems and since all problems have subject areas, subject matter must be included along with shared purpose as essential to defining fields of argument. This view is mistaken. While argument fields develop in response to problems and problems occur in particular subject areas, the subject matter of the original problem does not necessarily define the subject matter of the field which eventually develops. For instance, the problem which faced alchemists was to develop a method to control the transformation of natural elements. Their purpose was to develop an effective and simple method to control such transformations. In order to develop such a method, the alchemists sought to understand the reasons why chemicals react in particular ways. The subject matter of the original problem might best be considered a branch of magic. The field of argument which developed from that branch of magic was chemistry. The purposes of the alchemists led them to try and explain chemical phenomena in order to eventually control it. Those purposes led them away from magic to the subject matter and method of modern chemistry.[28]

Chaim Perelman's work with ethics and the law illustrates the same point. Perelman's goal was to explain why some reasons are better than others in order to develop a general theory of rational ethics. The original problem was in the subject area of ethics. However, Perelman's purpose led him away from ethical theory to the philosophy of law and classical rhetorical theory.[29] Again it was Perelman's purpose, not the subject matter of the original problem which determined the subject of the argumentative field which developed. Toulmin's analysis of conceptual evolution in Human Understanding fits into the same pattern. Toulmin wanted to produce a theory of conceptual change which would skirt the twin problems of formalism and subjectivism. The original problem occurred in logic and the philosophy of science, but Toulmin's purposes led him to focus upon the philosophy of law and evolutionary theory.

While fields develop in relation to a specific problem, it is shared purpose and not the subject of the original problem which determines the subject matter that later comes to define the field.

A purpose oriented view of argument fields also explains other essential characteristics of fields of argument. It is obvious that membership in a given field can be traced to shared purpose. Those individuals who share a purpose are members of the same field. Thus sociologists, psychologists, and political scientists who share a similar goal operate in the same field, even if they belong to different academic organizations. By contrast, two psychologists who belong to the same disciplinary organization, but do not share similar purposes in explaining human behavior should not be viewed as belonging to the same field. It should be remembered that Toulmin explains the existence of competing schools of thought in psychology with reference to their different explanatory goals.

The purpose of a field also explains the forum and criteria for evaluating arguments which develop in the area. Here, the distinction,drawn by Toulmin in _An Introduction to Reasoning_,between legal and psychiatric decisions about insanity is quite useful (_Introduction_, pp. 199-200). Toulmin argues that different arguments are appropriate for choosing the proper treatment regimen for a psychiatric patient and for determining whether that same patient should be stripped of certain rights. In the psychiatric field informal cooperative procedures are used because the goal is to identify the most effective treatment for the patient. In the law, formal competitive procedures are used because the goal of the field is to protect the rights of the accused. Note that the subject matter is the same in both instances, but the different purposes of the two activities determine the criteria for evaluating arguments, the modes of resolving arguments, and the criteria for determining the relevance of arguments.

Shared purpose also influences the degree of formality found in various argumentative fields. For instance, while most argument in science is decided informally by the scientific community as a whole, scientific questions which are considered by Congressional committees will be decided through the formal procedures of the political system. Given the concern of fundamentalists over the teaching of creationism, it is easy to imagine a situation in which a Congressional committee would be required to first hear testimony and later vote on whether current evolutionary theory is supported by adequate scientific evidence to be part of the required curriculum in the public schools. Those fundamentalists who today fight for laws requiring the schools to teach creationism are attempting to use the formal competitive procedures of the political system to evaluate a question of scientific fact. Again it is the purpose shared by the arguers in the area which influences the structure of the field which develops. The purpose of the fundamentalists is not to discover the laws of nature, but is to require the teaching of a specific theory. This essentially political purpose brings the political system into play.

Finally, purpose influences the degree of precision which typifies a field. At first, the suggestion that purpose influences measurement accuracy seems ludicrous. After all, much more precise predictions are possible in physics than in literary criticism and that difference in accuracy would seem to reflect an essential difference between the two subject areas. However, even in such contrasting areas as literary criticism and physics disciplinary purpose plays a major role in determining the degree of precision found in the field. Initially, it is important to note that, while physics and literary criticism concern very different subjects,one activity is not by its nature more precise than the other. The best that a physicist can do is to describe the behavior of the fundamental particles which make up the universe. The physicist cannot sub-divide basic atomic particles. By the same token, the literary critic is concerned with the essential symbolic particles which make up the literary universe. The critic cannot break down basic symbolic units any more than the physicist can break down atomic particles. Thus a physicist who describes the movement and nature of basic atomic particles and a literary critic who describes the characteristics of the individual symbols which make up a novel are operating on essentially the same level of specificity.

It must be admitted that literary critics currently lack the tools to precisely define the symbolic structure of literature, but that does not mean that the discipline is inherently less accurate than physics. In fact, recent advances in computer technology have made it possible for critics to make very precise measurements of syntax and grammar. Again, both the critic and the physicist are constrained by the smallest particle or concept available for measurement.

A more fundamental objection to the view that purpose influences measurement accuracy is the argument that precise measurement is essential to fields such as physics, but useless in other fields such as literary criticism. The critic is interested in identifying a constellation of meanings in order to enrich the audience's understanding and accurately evaluate a work. Such goals are not generally fulfilled by precise computer analyses of snytax or grammar. I agree absolutely. A computer analysis of the grammatical structure of a work of literature is likely to be a sterile document. However, the difference in the measurement precision typifying literary criticism and physics can now be traced to the different purposes of the two fields and not to subject matter. The critic avoids the computer program on grammar or syntax because it does not fit the purpose of explaining the texture of a literary work. The physicist uses precise measurement methods because qualitative judgments are never at issue in physics. There are no high or low quality electrons.

The point is not that all disciplinary purposes work equally well in all subject areas. Physicists who aim at evaluating the quality of stars will achieve little. The purpose appropriate for a given community is initially determined by community attitudes toward whatever problem they face. That shared purpose of solving a problem then defines the field which develops. At the same time, the purpose of the field evolves as the needs and problems of the community change. Toulmin argues that a community will stick with a specific purpose (and therefore a specific field) as long as the process of fulfilling that purpose answers the basic problem which led to the creation of the field. The field of physics will require precise measurement as long as the general purpose of physics is to explain physical phenomena. If a problem arises which demands aesthetic evaluation of physical phenomena then physicists will change their purpose and the degree of precision required in the field will change accordingly.

In sum, the essential characteristics of any field of argument develop from the shared purpose of a community facing a problem. Purpose influences the criteria with which arguments are evaluated in a field. The shared purpose of atomic physicists produces very precise standards for evaluating arguments. Purpose also influences argument form. Arguers use those types of arguments which they believe will fulfill their purpose. Perry argues that the difference in form between inductive and deductive reasoning can be traced to the different functions which the two modes of reasoning serve.[30] Purpose also influences the formality of argument. Extremely important social issues, especially issues on which only one side can win,are likely to be decided through formal competitive procedures. Less important issues or issues where there may be more than one right answer (the meaning of a novel) are likely to be resolved through informal cooperative procedures. Shared purpose may also influence the schools of thought which develop in an area. If a school of thought does not carry an academic community studying a field closer to the goals of the community, then that community will likely reject the school of thought. Finally, purpose influences the degree of precision which arguments in a field must meet to be accepted as valid.

While the defining characteristicsof argumentative fields flow from shared purpose, fields develop in different ways at different speeds. All fields develop through an evolutionary process, but the speed and exact direction of that process is influenced by random factors as well as purpose. In fact, there is no guarantee that the evolutionary process will always move forward. Students in a field may choose forums or argumentative types which are ill adapted to the purposes of the field. There is also no guarantee that the purposes which energize a field will be ethical or the most efficient purposes for the community. H.L.A. Hart cites the Nazi court system as an example of an argumentative forum which was well adapted to meeting the goals of the field (in this case the goal was crushing all opposition to Hitler), but that goal was clearly unethical.[31]

It is also important to recognize that it is not always possible to precisely define the argumentative characteristics of a given field. Fields which serve specific purposes may be defined in very precise terms, while fields which serve more general purposes may be defined in only the loosest terms. The suggestion that the specificity of purpose in a field determines the type of evaluative standards found in the field helps explain Toulmin's discussion of disciplinedness. In _Human Understanding_, Toulmin distinguishes between four levels of disciplinedness. Compact disciplines such as atomic physics, biochemistry, and some of the well developed court systems (_HU_, pp. 364-380) are unified around a single well defined explanatory goal (_HU_, pp. 359-360) which make relatively rapid disciplinary progress possible. At a somewhat less developed level are diffuse disciplines which have not yet limited themselves to a single explanatory ideal (_HU_, pp. 379-380). At an even lower level of development are the "would be" disciplines which lack agreement over fundamental concepts and possess no agreed upon criteria for evaluating theories (_HU_, pp. 380-383). Finally Toulmin suggests that activities which possess multiple goals, personal goals,or concrete goals are inherently non-disciplinable (_HU_, pp. 395-411) and can never achieve the consistent progress possible in the compact disciplines.

While Toulmin's analysis of the relation between purpose, disciplinedness and consistent progress is insightful, the suggestion that progress is not possible in non-disciplinable fields is problematic. Toulmin is quite correct that progress occurs most quickly when a field possesses a single goal.

However, there is no necessary reason that progress cannot occur in non-disciplinable or ordinary language fields.[32] It should be remembered that Toulmin's criterion for identifying progress is consensual validation by the membership of the discipline. Progress is what the discipline says is progress. From this perspective, it is clear that progress does occur in ordinary language fields. For example, the U.S. Constitution established a system of resolving political disputes which was consensually validated by the citizenry as superior to the Articles of Confederation. It is fair to argue that significant progess occurred in political argument when the Constitution was adopted. This political progress is directly analogous to the progress which occurs in the physical sciences when a new methodology or theory is embraced.

The important implication to be drawn from the analysis of the relation between purpose, disciplinedness, and progress is that the distinction between ordinary language and specialized language fields of argument is not very important. The crucial distinction is between specific and general purposes. It is true that argument in fields which serve specific purposes is often carried out in specialized languages. However, the essential characteristics of argumentative fields are not derived from the type of language used in the field, but from the shared purpose which unifies actors in the area.

Although Toulmin's analysis of the field invariant and dependent aspects of argument has been praised for noting the substantial differences between arguments in different contexts, a number of theorists have argued that the concept can be applied usefully to a very limited number of argumentative situations.[33] While admitting that the field concept works relatively well when applied to compact academic disciplines such as atomic physics they argue that most important argument does not occur in such a restricted framework. Instead, Willard argues that ordinary discourse should be viewed as the exemplar of argument. It is not the discussion of physicists about atomic physics which typifies argument, but the discussion of farmers, businessmen, and school teachers about the siting of atomic power plants that best exemplifies argument.[34] Willard's main point is that a theory of fields ought to be applicable to ordinary language argument as well as to argument in specialized disciplines.

Willard identifies a number of important differences between ordinary language and argument within specialized disciplines. Argument in a compact discipline such as atomic physics must meet precise standards in order to be accepted. Such specific standards are missing in ordinary discourse.[35] In addition, argument in compact disciplines usually concerns a very limited subject matter. By contrast, ordinary language argument centers around problems such as abortion which cross academic disciplines. Willard then extends his position, that the field concept has limited value, with a discussion of legal argument. Here, Willard argues that even when applied to a compact discipline such as the law (HU, p. 394) the field concept reveals little of importance about arguments in the area. Willard begins his discussion of the law by arguing that the legal field does not possess the single explanatory goal which is typical of compact scientific disciplines such as atomic physics. Rather, torts, criminal law, and other specific types of legal disputes are decided in specific branches of the legal system which possess their own rules of evidence and procedure.[36] Willard also argues that the dominant characteristic of the real judicial system is discretion[37], not the idealized rules identified by Toulmin and others.

He concludes his analysis of the importance of legal discretion by arguing that at best an analysis of the field of legal argument can explain the form, but not the centent of legal argumentation.[38] Finally, Willard attacks Toulmin for attempting to de-psychologize argument. In Willard's view psychological factors can be removed from a field only by tearing the very core from the field. Based upon these arguments, Willard concludes that, if the field concept is to be applied usefully to the law, individual trials must be treated as fields of argument.[39] For all practical purposes, then, there is no legal field. His final conclusion is that such a system is not valuable, "the field concept is useless."[40]

The utility of describing compact scientific disciplines as fields is not seriously in question. The key question is whether the field concept can be usefully applied to ordinary language fields as well as fields such as the law which cannot be defined as precisely as compact scientific disciplines. In order to test the applicability of the purpose centered view of fields, the next section of this essay will briefly consider the law and newspaper criticism as fields of argument.

The Fields of the Law and Newspaper Criticism

The legal field encompasses a variety of case types, procedures, and argumentative forms, but the essential nature of all branches of the law can be traced to the shared purpose with which members of the legal field address problems. In the brief description which follows, I will identify the general purpose of legal argument and the argumentative forms which flow from that purpose, as well as noting that specialized branches of the law are designed to meet specialized legal purposes. While the analysis, which follows, is brief and necessarily preliminary it does indicate the influence of purpose upon legal argument.

The legal field is organized around the general purpose of preventing harmful social conflict. The law is aimed at preventing some types of social conflict altogether, channelling other disputes in order to change society for the better, and providing methods of redress for oppressed individuals. Note that the law is not merely a means of social control. The goal of the law (at least in our culture) is to minimize harmful social conflict. Thus, disputes must be resolved justly, to prevent social backlash. This view of the purpose of the law is quite common. In _Introduction to Law and the Legal Process_ Cataldo, Kempin, Stockton, and Weber emphasize that all aspects of the law serve the general purpose of minimizing conflict. They write:

> they [all people involved in the law] are trying to see that society in general gets along with a minimum of conflict. They are advising people how to avoid conflicts with each other and with the government. They are attempting to settle arguments that have arisen informally or formally through court action. They are attempting to discourage conduct that is antisocial.[41]

In addition, lawyers have come to believe that a number of subsidiary purposes such as efficiency and speedy justice must be fulfilled if the general purpose of minimizing harmful social conflict is to be served.

At this point, it should be clear that the law is not a well defined homogenous field. There are any number of specific sub-fields in the law which are aimed at preventing or controlling some type of social conflict. Before considering the influence of purpose on the development of those sub-fields, it is important to consider the common characteristics of all branches of the law. There are three main characteristics of legal argument in general which are derived from the overall purpose of the law. First, legal reasoning is analogical. In his classic 1949 book, An Introduction to Legal Reasoning, Edward Levi explains that good legal rules are never perfectly clear: "In an important sense legal rules are never clear, and, if a rule had to be clear before it could be imposed, society would be impossible."[42] The problem then is to apply inherently ambiguous rules so that the legal system can meet its goal. Levi argues that this problem dominates the law:

> The problem for the law is: When will it be just to treat different cases as though they were the same? A working legal system must therefore be willing to pick out key similarities and to reason from them to the justice of applying a common classification. The experience of some facts in common brings into play the general rule.[43]

The legal system answers this problem through reasoning by analogy (what Levi calls reasoning by example). Levi explains the process of legal argument:

> The basic pattern of legal reasoning is reasoning by example. It is a three step process described by the doctrine of precedent in which a proposition descriptive of the first case is made into a rule of law and then applied to a next similar situation. The steps are these: similarity is seen between cases; next the rule of law inherent in the first case is announced; then the rule of law is made applicable to the second case.[44]

In Levi's view the essential step in legal argument is the finding of similarity or difference between two cases.

Although Levi focuses directly on appellate decisionmaking his analysis is applicable to all aspects of legal argument. Trial judges decide which rules to apply based on analogies drawn with earlier cases. It is important to remember that the rules or facts applicable to a specific case are rarely absolutely clear. The defendant could be convicted of first or second degree murder or even manslaughter. The judge must draw an analogy between the defendants behavior and the specific rule in order to make the appropriate decision.

A form of the analogical method can even be seen in the discretionary actions of prosecuting attorneys and policemen. The prosecuting attorney decides to plea bargain a particular case based on past experience with similar cases. In essence the prosecuting attorney draws an analogy between the successful application of plea bargaining in past cases and the use of it in a current case. This application of the analogical method to plea bargaining is vastly superior to the use of simple legal rules. Obviously, a prosecuting attorney who either plea bargained every case or refused to plea bargain at all would create problems for the system. In the first instance, the prosecuting attorney might allow vicious criminals to serve relatively light sentences, while in the second instance the prosecuting attorney might create intolerable legal delay. The effective prosecuting attorney uses general rules to guide his plea bargaining , but adapts those rules to the specific cases at issue.

The analogical structure of legal argument can be traced to the general purposes of the law. If the law is to control social conflict then consistent standards must be applied across a class of disputes. Inconsistent decisions create the perception of unfairness and produce conflict. While consistency is important to containing conflict, flexibility is also important. When legal rules are applied to situations,to which they are not applicable, conflict is inevitable. In addition, the legal system must adapt to changing circumstances if social conflict is to be controlled. The legal system must be both flexibile and consistent in order to achieve its purpose.

The analogoical structure of the law is well suited to fulfilling its goals. The analogical method described by Levi provides flexibility by allowing legal rules to be adapted to new situations but it also provides certainty since past rulings are used to generate future rulings. This form is well adapted to the needs of the law.[45]

The second general characteristic of legal argument is that it is decided in an adversary forum by an impartial judge. Despite significant differences in rules and procedures used in the various branches of the law, all legal questions are decided through a competititve process. Even plea bargaining is tied directly to the adversary process, since defendants may always choose to go to trial. Levi is instructive on the importance of the adversary process to the legal system:

> What does the law forum require? It requires the presentation of competing examples. The forum protects the parties and the community by making sure that the competing analogies are before the court. The rule which will be created arises out of a process in which if different things are treated as similar, at least the differences have been urged. In this sense the parties as well as the court participate in the law making.[46]

It is not necessary that legal argument be evaluated through competitive procedures. A state tribunal could be established to research and decide cases without benefit of adversary procedures. As Levi indicates, the legal system uses competitive procedures because the members of the legal field believe that conflict between advocates best guarantees that the truth will be discovered and social conflict controlled.

The final general characteristic of legal argument is that all legal doctrines, procedures, and forums are evaluated based on how successfully they fulfill the ultimate legal purpose of controlling harmful social conflict. If a procedure, a forum, or a rule of evidence helps minimize conflict then is is retained; otherwise it is rejected. This process by which legal arguments are accepted or rejected based on how well they serve the purposes of the field can be seen operating at both the micro and the macro level. At the micro level, the purpose unifying actors in the legal field is the energizing force behind stare decisis as a method of conceptual change. For example Cataldo et al argue that rules in the law change in order to meet social needs, "The rules are a means, not an end, and are constantly being evaluated in the light of changing circumstances and conditions."[47] This view is quite common. In his dissertation on legal argument Walter Ulrich notes that many important philosophers of the law agree that stare decisis, as a method of conceptual change, is justified by the purposes of the system.[48] Standards for evaluating legal rules and doctrines come from the purpose of the law.

At the macro level,the purposes of the law explain the gradual development of the legal system itself. The view that the law has evolved over centuries toward procedures and forums which are better adapted to justly resolving social conflict is quite common. The American Bar Association Project on Standards for Criminal Justice comments on the development of the legal system:

> The adversary system which is central to our administration of criminal justice is not the result of abstract thinking about the best means to determine disputed questions of law and fact. It is the result, rather, of the slow evolution from trial by combat or by champions to a less violent form of testing argument and evidence.[49]

In summary, the members of the legal field choose procedures and doctrines which they believe take them closer to their ultimate purpose of containing harmful social conflict. This evolutionary movement is not infallible. Regressions toward unjust procedures and rules are inevitable, but the general movement is always toward procedures and doctrines which the membership of the field believes to be better adapted to fulfilling the needs of the law. This account of legal evolution adds support to the view that consistent progress is possible outside compact scientific disciplines. Willard's analysis of the law makes it clear that the law does not possess the single precisely defined goal,typical of compact disciplines such as atomic physics. Despite this lack of a single precisely defined goal, the historical evidence indicates that consistent progress has been the rule in the law for centuries.

While the three commonalities shared by all sub-fields in the law are quite important, the specific purpose of each legal sub-field also creates argumentative characteristics which apply to that sub-field alone. For instance, H.L.A. Hart argues that the form of the criminal and civil law is fundamentally different due to the constrasting purposes which they serve. Hart explains:

> Some laws require men to act in certain ways or to abstain from acting whether they wish to or not. The criminal law consists largely of rules of this sort: like commands they are simply 'obeyed' or 'disobeyed'. But other legal rules are presented to society in quite different ways and have quite different functions. They provide facilities more or less elaborate for individuals to create structures of rights and duties for the conduct of life within the coercive framework of the law. Such are the rules enabling individuals to make contracts, wills, trusts, and generally to mould their legal relations with each other.[50]

The specific purposes of the various types of law also influence the criteria used to evaluate each type of case. In criminal cases, strict rules of evidence and procedure, designed to protect the rights of the innocent, are used. The rights of the defendant are given precedence even if delay or the occaisional acquittal of guilty parties results. By contrast, juvenile court cases and civil commitment proceedings, until quite recently, have been decided through informal proceedings . The courts viewed the purpose of commitment and juvenile proceedings as , not to protect the rights of the innocent, but to guarantee that people in need of help received that help. The purposes of the juvenile courts and the civil commitment proceedings encouraged judges to relax formal standards and rely heavily upon the experts to diagnose the best treatment or rehabilitation for the patient or juvenile. Recently, however, the rules regulating civil commitment and juvenile court proceedings have been tightened, largely because many in the legal field came to the conclusion that informal court processes and almost total reliance upon expert opinion were not appropriate procedures for cases as important as commitment and juvenile proceedings.[51] The essential role of purpose in shaping argumentation in the law is obvious in the rules regulating commitment and juvenile justice. When the goal was treatment or rehabilitation, the courts used informal procedures and based their decisions largely on expert testimony. However, when the legal community became convinced that the results of juvenile court and civil commitment cases were nearly as serious as the results in a criminal trial, the standards for evaluating each sub-field shifted toward greater formality and more protection for the rights of the accused.

Finally, an analysis of the purpose of the law helps to explain the subject matter of the law. The subject matter appropriate for specific types of cases in the law is defined by rules of evidence. These rules regulating evidence are tied directly to the purposes of the law. H.L.A. Hart notes that the exclusionary rule produces " results which may seem paradoxical . . ." but which " are justifiable in terms of the many different social needs which courts must satisfy in adjudicating cases."[52] For example, lie detector tests are banned as evidence, in most cases, not because they could not provide some useful information, but because the members of the field believe that their use is inconsistent with the overriding purposes of the legal system.

The foregoing description of the influence of shared purpose on legal argument has implicitly refuted most of Willard's objections to the value of defining the law as a field. First, all legal argument shares similarities in decision-making forum, argument form, and evalutive process which are derived from the general purposes of the law. Second, while discretion is part of the legal system, that discretion is limited and can be traced to the purposes of the system. Judges have limited discretion to apply legal rules in new ways in order to provide a flexibile legal system. Prosecutors plea bargain with defendants in order to solve the court overcrowding problem. Thus, discretion is essential to the functioning of the system. Third, while the various sub-fields in the law, possess their own subject matter and specific rules, the argumentative characteristics of the various sub-fields can be traced to the specific purposes which those sub-fields serve. The restrictive rules and procedures of the criminal law are derived from our society's assumption that it is much worse to convict an an innocent man than to release a guilty man. The stringent certiorari standards of the Supreme Court are derived from the need for review of crucial cases.[53] Finally, because shared purpose is the energizing force behind legal rules of evidence, an analysis of the purposes of the legal field can explain the content as well as the form of the law.

The remaining question about the utility of a purpose centered view of fields for describing the law is whether such a perspective can adequately account for the psychological factors present in each trial. In order to test this question, I have focused upon the work of the legal realist, Jerome Frank. In his 1949 book, Courts on Trial, Frank emphasizes psychological and non-discursive factors in legal reasoning. He cites Suzanne Langer on the importance of non-discursive reasoning[54] and argues that no appellate court can ever fully understand the workings of a trial judge's mind (p. 23). Frank's analysis of the psychological factors involved in the law bears a striking resemblance to Willard's analysis of the importance of pscyhological factors in ordinary language argument. In fact, Frank's book provides a perfect opportunity for evaluating the utility of the purpose oriented view of fields. If purpose is at the center of Frank's analysis of the legal system, then that would serve as powerful evidence supporting the value of a description of argument fields based on shared purpose.

Surprisingly, while Frank's description of the legal field is quite different from traditional views, it is still tied directly to the purposes of the law. Initially, Frank describes the development of law from general conflict to blood feud, to primitive systems of trials, and finally to the modern adversary system (pp. 5-6). By describing the evolution of law from primitive ritual combat to modern procedure, Frank implicitly embraces a purpose oriented view of legal argument. According to Frank, the law has developed over time in order to better fulfill its primary function of preventing "social disruption" (p. 7).

Nor does Frank's treatment of psychological factors in the law mean that it is impossible to describe a coherent legal field. First, Frank notes that social norms limit the need for an in depth psychological analysis of each case (pp. 179-180). Second, Frank implicitly admits that judges are bound by legal rules when he bemoans the power of precedent (p. 270). Later he explicitly notes the controlling force of stare decisis (pp. 285-286).

Moreover, while both Willard and Frank emphasize the psychological factors inherent in legal argument, they do so from very different perspectives. Willard believes that non-discursive symbols are at the heart of argument and that it is foolish to attempt to depsychologize argument. By contrast, Frank is interested in depsychologizing legal argument in order that legal issues might be evaluated more rationally. Frank suggests that a rule which required judges to justify their decisions, in propositional form through written opinions, would discourage biased or irrational decisions (pp. 183-184). He even cites approvingly the comment of F.C.S. Schiller that putting an argument in syllogistic form reveals the weaknesses in that argument (pp. 184-185). Frank believes that psychological factors are important in legal argument, but that judges should do everything possible to control those psychological factors in order to increase the rationality of the law.

Frank should be interpreted as a legal reformer who calls for changes in the legal system in order to better achieve the purposes of the law. For example, Frank argues that the purposes which the civil law serves would in many instances be better served through arbitration (p. 377). In addition, Frank argues that juries no longer serve any useful legal purpose and should be elimininated (pp. 108-145). Finally, Frank calls for the establishment of special state run investigative bodies to dig out evidence which might be missed by the adversary process (p. 98).

Jerome Frank's legal realism is built around a view of law as shaped by purpose. It is clear that the picture of legal argument drawn by Frank and other legal realists is quite different from the traditional view of legal argument. Frank believes that the law is not currently very well adapted to meeting the needs of the legal system and that reform is necessary, but it is still shared purpose which at the center of his view of legal argument.

The foregoing analysis of legal argument is only a first step toward a complete description of how the shared purpose of the legal field influences legal argument. However this brief description of the field of the law does indicate that the application of a purpose centered view of fields to the law has the potential to illuminate legal argument.

The second field, to be briefly considered, --newspaper criticism--is important for testing the value of a purpose oriented view of fields because argument about newspaper stories occurs in ordinary lanquage. Most criticism of newspaper stories probably occurs in a field like the relatively informal, imprecise, and cooperative field of film criticism, described by Toulmin in *An Introduction to Reasoning* (p. 196). These argumentative characteristics can be traced to the general purposes which argument about newspaper stories serves. People argue about newspaper stories in order to better understand those stories and evaluate their quality. They argue about what Carl Rowan meant in a column or attack George' Wills reasoning, or praise a movie review by Gene Siskel.

While most newspaper criticism serves the general purposes which have been identified , internal newspaper criticism and argument in order to select the Pulitzer prizes serves much more important purposes. In the aftermath of the Janet Cooke Pulitzer prize scandal the importance of these two types of newspaper criticism is undeniable.

Internal newspaper cticism is aimed at guaranteeing that the best stories appear in the newspaper. For a newspaper, the "best stories" are those which fulfill the twin goals of selling papers and informing the people about the important news. As a result, newspaper editors search for news stories which are interesting as well as important and try to weed out those stories which could harm the credibility of the newspaper. Neither the general goal of informing the people nor the general goal of selling papers is fulfilled if a fabrication slips through the review process. Therefore, newspapers have every incentive to set up a stringent internal review process in order to weed out dull or inaccurate stories. In fact, the *Washington Post* had such a tough internal review system. In the complex review process used by the *Post*, several editors were responsibile for checking out the details of Cooke's story about an eight year old heroin addict. In addition, because only a certain number of stories can appear on the front page, internal newspaper criticism at the *Post* was essentially a competitive process. Newspaper staff members were expected to voice any doubts about a story to their superiors. Finally, relatively strict evaluative criteria were applied to stories to protect the credibility of the newspaper. In particular, the *Washington Post* routinely demanded that the key facts of a story be confirmed by a number of sources before the story was printed.[55]

The key question which the Cooke case raises is how, given the stringent standards for evaluating argument used by the *Post*, did the fabrication get printed. The report of the *Post*'s ombudsman , Bill Green, suggests that the strict procedures of the *Post* failed to prevent the fabrication because the evaluative procedures were compromised in order to meet purposes other than the stringent evaluation of newspaper stories. Green suggests that several members of the *Post*'s editorial staff suspected Cooke's story but failed to ask tough questions, because they did not want to show a lack of trust in Cooke or compromise her sources.[56] Thus the tough evaluative process was modified to meet the purpose of maintaining friendly relations with reporters and protecting anonymous sources. In addition, Green suggests that the *Post* may have failed to check Cook'e story as completely as possibile, because of the paper's concern for winning prizes. Green's analysis of the Janet Cooke affair makes it clear that the *Post*'s general method of story evaluation was well adapted to stringently reviewing newspaper stories. However, in the Janet Cooke case, the editorial staff of the *Post* modified their evaluative system in order to better achieve secondary goals of the review process and consequently allowed the fabrication to occur.

The Cooke scandal is also interesting for what it reveals about the argumentative process used in selecting Pulitzer prizes. Given the importance of the award, formal competitive procedures, complete with strict evaluative standards, would seem to be logically required. Press analysis of the method used for picking the prizes suggests that up to a point the method is well adapted to its purposes. Experts from the press, serve on juries to evaluate stories nominated in the various newspaper categories of the Pulitzer prize competition. However, the Pulitzer board routinely ignores the recommendations of the expert juries which have intensively scrutinized the stories and newspapers that are up for awards.[58] In the Cooke case, the Pulitzer feature jury (the cateogry in which Cooke won the award) never even saw Cooke's story. The Pulitzer board decided on their own to award her the prize in a category, for which she had not been nominated. Several members of the feature jury later claimed that they would have expressed doubts about the story had they been given the opportunity to review it.[59] In addition, the Pulitzer board has been criticized for consistently awarding its prizes to the mainstream of the American press.[60] Thus papers like the *New York Times* and the *Washington Post* continually win prizes while other journals which produce stories of equal quality, but lack the prestige of the *Times* or the *Post* are ignored.

If this brief description of the Pulitzer prize selection process is accurate then it is relatively easy to explain the Janet Cooke fiasco. The Pulitzer juries serve the purpose of picking the best story in a given category. Expert jurors carefully scrutinize the nominated works and choose that work which they believe meets whatever artistic standards are most appropriate. However, the governing board of the Pulitzer prizes is concerned not only with identifying the best story or newspaper in a particular category, but also with rewarding a certain kind of newspaper. As a result, the board, often ignores the expert guidance of the juries and shifts the award to newspapers, which it believes to be more deserving. Thus, the secondary purpose of rewarding mainstream newspapers leads to argumentative judgments at variance with the primary purpose of picking the best story.

The brief description of the field of newspaper criticism indicates that the purpose oriented view of fields can be applied usefully to ordinary language argument. While, newspaper criticism has not be described in any detail, it is clear that the shared purpose of actors in the area helps explain the argumentative characteristics of the field.

Implications of a Purpose Oriented View of Argument Fields

A purpose centered view of argument fields has important implications for a theory of argument. First, the essential characteristics of any argumentative field can best be described by identifying the purpose which members of the field share. After identifying that shared purpose, it should be relatively simple to discover the other essential characteristics of the field. The purpose centered view of fields also allows the critic to draw fairly sharp boundaries between fields. While legal decisionmaking about insanity and psychiatric decisionmaking about mental health share a subject area and many psychiatrists and lawyers operate in both areas, it is quite clear that they are separate fields. The goal of legal decisionmaking about insanity is to balance the right of the individual to liberty and the right of society to protection from the insane. The goal of the psychiatric field is to treat the patient as effectively as possible.

The second important implication of the purpose centered view of fields is that ordinary language argument and argument in specialized languages are not functionally very different. The key variable is not the type of language in which the argument occurs, but the specificity of the purpose which energizes the particular field. Specific purposes produce fields with specific evaluative criteria and very predictable argumentative characteristics. Fields which serve more general purposes can only be described in general terms.

A third implication of the purpose centered view of fields is that argument in different disciplines or argument which concerns vastly different subject areas may possess important similarities if the purposes of the argument in the two cases are similar. If two fields share a general purpose but apply that purpose to different objects they might be thought of as sister fields. Thus it may be that behaviorism in psychology, sociology, and political science are quite similar not only because they share a disciplinary paradigm, but also because they share a purpose which is logically prior to the paradigm. I suggest that it is the shared purpose of developing explanations in the social science that meet the same stringent standards used in the physical sciences which undergird the various behavioristic theories.[61]

A fourth implication of the purpose centered view of fields is that argumentative disputes which cross fields will be very difficult to resolve. Willard's example of the ordinary language field of abortion illustrates the point. If fields of argument are energized by a shared purpose then there are at least three different fields of argument involved in the abortion problem. First, there is a field defined by the shared purpose of resolving the dispute in order to benefit society as a whole. Second, there is a field defined by the purpose shared by fundamentalists who wish to fight abortion at all costs. Finally, there is a field defined by the purpose shared by committed feminists who wish to support abortion laws at all costs. Despite the harsh feelings which argument about abortion inevitably produces, it would be possible for those arguers who share the general goal of solving the abortion problem,in order to benefit society, to come to some agreement about abortion. By contrast no such agreement is possible between the committed proponents and opponents of abortion. The point is that when a problem is considered by representatives of fields which serve inconsistent purposes the dispute will be difficult to resolve. Without agreement on general purposes there is no common ground upon which to resolve the dispute.

Fifth, a view of fields as defined by purpose elucidates the concepts of field dependence and field invariance. If Toulmin is right that the general function of argument is justificatory, then field invariant standards which apply to all argument flow from the purposes of that justificatory process. Toulmin's recent analysis of fallacies (Introduction, Ch. 11) can be interpreted as an attempt to develop invariant standards for evaluating argument across all fields. A purpose oriented view of argument fields also suggests that the evolutionary model of conceptual changed, described in Human Understanding, is applicable to all fields of argument. All arguments are evaluated based on purposes they fulfill. Those arguments which fullfill the shared purposes unifying a group of scholars are accepted while those arguments which fail to fulfill their purposes are rejected.

A purpose centered view of fields also suggests that various levels of field invariance exist within argument fields. Here, it is important to recall that argument fields exist at different levels of specificity depending upon their purpose. Atomic physics serves the same general purpose as physics, which serves the yet more general purpose of the physical sciences which serves the still more general purpose of science as a whole. However, atomic physics is also a specific field with specific purposes which produce specific argumentative characteristics. As a result, atomic physics shares the general characteristics of all arguments in science.(It shares the same general purpose as all scientific argument). On a more specific level, atomic physics shares the general characteristics of both the physical sciences in general and physics in particular. At the same time atomic physics serves purposes of its own and therefore possesses specific argumentative characteristics designed to meet those specific purposes. It would seem that field invariant standards , drawn from the purpose shared by a group of disciplines exist at every level where disciplines share a general purpose. By contrast the field dependent aspects of each argumentative field flow from the specific purposes which argument in one area fulfills that argument in other areas does not fulfill.

Finally, the view that fields are defined by the shared purpose of actors in an area suggests that the most basic criticism of any field attacks the purpose which created and energizes the field. Here the distinction is between the purpose which in fact unifies a field and the purpose which should unify the field. In many instances the purposes which the actors in an area share may not be the purposes which they should share. Since fields develop through a value free evolutionary process there is no guarantee that the purposes of any field will be ethical. The critic of argument should recognize that,while field dependent standards, derived from the purposes of a given field,provide a relatively reliable and simple method of evaluating the quality of arguments in the area, those standards are only as valuable as the purposes which led to their creation. If a field serves an immoral purpose then the evaluative standards which develop in the field are also likely to be immoral. The critic of argument can strike at the problem by scrutinizing not only the current standards used for evaluating arguments,but also by considering what the evaluative standards should be. Jerome Frank's bitter criticism of the legal system is one example of argument criticism aimed at improving the evaluative standards and purposes which define a field.

The view,that the important characteristics of argument fields are derived from purposes shared by those who confront a problem, is quite useful for the critic of argument. The purpose oriented view of fields allows the critic to identify both the boundaries between fields and various levels of field invariance and dependence within fields. It also helps the critic of argument explain why some sorts of disputes are essentially unresolvable and why some fields can be described in only general terms. Finally the purpose oriented perspective is valuable because it does not define fields of argument based on a single characteristic of form or substance, but instead recognizes that fields of argument are composed of a variety of characteristics, all derived from the shared purpose of arguers in the area.

Notes

[1] See for instance, Dale Hample, "The Toulmin Model and the Syllogism," *Journal of the American Forensic Association*, 14 (Summer 1977), pp. 8-9.

[2] See Charles Willard, "Some Questions About Toulmin's View of Argument Fields," in *Proceedings of the Summer Conference on Argumentation*, (S.C.A., January 1, 1980), pp. 348-400. Ray McKerrow also argues that the field concept is not applicable to ordinary language argument. See "On Fields and Rational Enterprises: A Reply to Willard," in *Proceedings*, pp. 401-413.

[3] Douglis Ehninger and Wayne Brockriede, *Decision by Debate*, 2nd edition (New York: Harper and Row, 1978), p. 92.

[4] Stephen Toulmin, *The Uses of Argument* (Cambridge: Cambridge University Press, 1958), p. 256.

[5] See Stephen Toulmin, Richard Rieke, and Allan Janik, *An Introduction to Reasoning* (New York: Macmillan, 1979), Ch. 13-17. All further references to this work will be made in the text and cited as *Introduction*.

[6] See Willard, "Some Questions," p. 379.

[7] Stephen Toulmin, *The Place of Reason in Ethics* (Cambridge: Cambridge University Press, 1953), p. 199.

[8] McKerrow, "On Fields," p. 402.

[9] Willard makes a similar point. See Willard, "Some Questions," p. 356.

[10] See Charles Willard, "Argument Fields and Theories of Logical Types," *Journal of the American Forensic Association*, in press.

[11] Willard, "Some Questions," p. 353.

[12] See McKerrow, "On Fields," p. 408.

[13] Stephen Toulmin, *Human Understanding* (Princeton: Princeton University Press, 1972). All further references to this work will be made in the text and cited as *HU*.

[14] Willard, "Some Questions," pp. 359, 378.

[15] Willard, "Some Questions," p. 378.

[16] See Thomas S. Kuhn, *The Structure of Scientific Revolutions*, 2nd edition (Chicago: University of Chicago Press, 1970), p. 109.

[17] Kuhn, pp. 109-110.

[18] See for example Peter Demetz, "Transformations of Recent Marxist Criticism: Hans Mayer, Ernst Fischer, Lucien Goldman," in *The Frontiers of Literary Criticism*, ed. David H. Malone (Los Angelses: Henessey, 1974), pp. 75-92.

[19] See Brant Burleson, "The Place of Non-Discursive Symbolism, Formal Characterizations, and Hermeneutics in Argument Analysis and Criticism," *Journal of the American Forensic Association* 16 (Spring 1980), pp. 222-231; Charles Willard,

"Propositional Argument is to Argument What Talking About Passion is To Passion," *Journal of the American Forensic Association*, 16 (Summer 1979), pp. 21-28.

[20] Kuhn, pp. 202-204.

[21] Karl Popper, "Normal Science and Its Dangers," in *Criticism and the Growth of Knowledge*, ed. Imre Lakatos and A. Musgrave (London: Cambridge U. Press, 1970), p. 56.

[22] See Ray McKerrow, "Argument Communities: A Quest For Distinctions," in *Proceedings*, pp. 214-227.

[23] McKerrow, "Argument Communities," p. 215.

[24] McKerrow, "Argument Communities," p. 226.

[25] See Walter Ulrich, "The Implications of Legal Reasoning for a System of Argumentation," Diss. Kansas University, 1980, pp. 125-132.

[26] See Robert Rowland, "Toulmin and Fields: From Form to Function," paper presented at the S.C.A. Doctoral Honors Seminar on Argumentation, Bowling Green,Ohio, May 1981.

[27] John Dewey, "Logical Method and the Law," *Cornell L. Q.*, 10 (1924), pp. 19-20.

[28] See John Read, "Alchemy," in *The Harper Enyclopedia of Science*, ed. James R. Newman (New York: Harper, 1967), p. 32.

[29] See Chaim Perelman, "The New Rhetoric: A Theory of Practical Reasoning," in *The Rhetoric of Western Thought*, ed. James L. Golden, Goodwin F.Berquist, and William Coleman (Dubuque, Iowa: Kendall/ Hunt, 1976), pp. 186-187.

[30] See Thomas D. Perry, "Judicial Method and the Concept of Reasoning," *Ethics*, 80 (October 1969), pp. 10-11.

[31] H.L.A. Hart, "Positivism and the Separation of Law and Morals," in *The Philosophy of Law*, ed. R.M. Dworkin (Oxford: Oxford University Press, 1977), pp.30-34.

[32] See Willard, "Some Questions," p. 351.

[33] See Willard, "Some Questions," pp. 348-349; McKerrow, "On Fields," p. 408.

[34] 'Willard, "Some Questions," p. 379.

[35] "Willard, "Some Questions,: p. 353.

[36] "Willard, "Some Questions," pp. 366-371.

[37] "Willard, "Some Questions," p. 367.

[38] "Willard, "Some Questions," p. 368

[39] Willard, "Some Questions," p. 373.

[40] Willard, "Some Questions," p. 383.

[41] Bernard Cataldo, Frederick G. Kempin Jr., John M. Stockton, and Charles Weber, *Introduction To Law and the Legal Process*, 2nd edition (New York: John Wiley, 1973), p. 1. Other Scholars defend similar views. See Edward Levi, *An Introduction*

To Legal Reasoning (Chicago: University of Chicago Press, 1949), p. 104; H.L.A. Hart, "Philosophy of Law, Problems of," in The Encyclopedia of Philosophy, ed. Paul Edwards (New York: Macmillan, 1967), pp. 272, 274.

[42] Levi, p. 1.

[43] Levi, p. 3.

[44] Levi, pp. 1-2.

[45] See Perry, pp. 10-11, 13.

[46] Levi, p. 5.

[47] Cataldo et al, p. 1.

[48] Ulrich, p. 123.

[49] A.B.A. Project on Standards for Criminal Justice, The Prosecution Function and the Defense Function (New York: Institute of Judicial Adminsitration, 1971), p. 2.

[50] Hart, "Positivism," p. 20.

[51] See Bruce J. Ennis, "Judicial Invovlement in the Public Practice of Psychiatry," in Law and the Mental Health Professions at the Interface, ed. Walter Barton and Charlotte Sanborn (New York: International University Press, 1978), pp. 5-9; Paul Isenstadt and Rosemary Sarri, "The Juvenile Court: Legal Context and Policy Issues," in Brought to Justice: Juveniles, The Courts and the Law, ed. Rosemary Sarr and Yeheskel Hasenfeld(Ann Arbor : University of Michigan Institute of Legal Education, 1976), pp. 2-5.Also see In re Gault, 387 U.S. 1 (1967).

[52] See Hart, "Philosophy of Law, Problems of," p. 272.

[53] See Steven W. Earp, "Sovereign Immunity in the Supreme Court," Virginia Journal of International Law 16 (1976), pp. 909-912.

[54] See Jerome Frank, Courts on Trial (Princeton: Princeton University Press, 1949), pp. 172-173. All further references to this work will be made in the text.

[55] See Ellie McGruth, "A Fraud in the Pulitzers," Time, 27 April 1981, p. 52; Bill Green, "Janet's World," Washington Post, 19 April 1981, pp. A1, A12-A15.

[56] Green, p. A15.

[57] Green, p. A15.

[58] See "Tarnished Prize," The Nation, 2 May 1981, pp. 515-516.

[59] See L. Grossberger, "The Pulitzer Prize Hoax," Newsweek, 27 April 1981, p. 63.

[60] See "Tarnished Prize," pp. 515-516.

[61] See Arnold S. Kaufman, "Behaviorism," in The Encyclopedia of Philosophy, pp. 268-273.

ARGUMENT FIELDS:
SOME SOCIAL CONSTRUCTIVIST OBSERVATIONS

by

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During the last several years, I have been attempting to articulate a theoretical view of argument as socially constructed.[1] This effort has surfaced partially as a response to Charles A. Willard's "constructivist/interactionist" approach,[2] and partially as an extension of my doctoral research to the specific concerns of argumentation.[3] Recently, I have labeled this approach as "social constructivist" to signal a divergence in emphasis and theoretical grounding from psychologically centered approaches. However, this divergence in emphasis does not mean that "constructivist/interactionist" and "social constructivist" theory and research can be safely compartmentalized as benignly irrelevant enterprises. The two approaches are competitive explanations of argument. Ultimately, either approach will qualify or fail to qualify as a comprehensive theory of argument based on the adequacy of its account of personal construal of argument, social construal of argument, and the interaction of personal and social construal.

In this essay, I wish to make some preliminary observations concerning the nature of argument fields in which some account is taken of personal and social construals and their interaction. I wish to emphasize the preliminary nature of these observations as being part of the process of identifying and defining fields and their components. It may be that some of these observations will be theoretically useful in developing explanations of the operation, growth, change or interaction of argument fields. However, definition and the identification of significant features and processes of fields is the primary concern. At the current time, when field research in argumentation seems appropriately described as in its formative stages, such an approach may help to clarify what field research might be about.

Because determining what the term field means or perhaps more precisely determining what the argumentation community is going to use the term field to mean is critical to the direction of the enterprise, it seems worthwhile to undertake a brief etymological excursion.[4] The Oxford English Dictionary organizes the various meanings associated with the term around three major nuances. The first nuance, which is historically the oldest usage and presumably the original meaning, is of field as "ground; a piece of ground." The second nuance is of field as "a large stretch; an expanse." This nuance is a metaphorical extension in which other objects such as sea, sky, ice, snow, color, etc. may be substituted for ground. Notions such as field of vision derive from this nuance. The third nuance is of field as an "area of operation or observation." This nuance is more fully elaborated as "An area or sphere of action, operation, or investigation; a (wider or narrower) range of opportunities, or of objects, for labour, study or contemplation; a department or subject of activity or speculation."[5] It is in this last nuance, which provides meanings for the term "field" that most resemble the clusters of meaning relevant to the inquiry of argumentation researchers. In a sense, the third nuance of field is the obvious and intuitive meaning likely to be evoked within the situational context of argumentation research.

Although it is possible that the argumentation community might choose to use the term *field* with a radically new and different meaning, significantly departing from traditional usage, it is highly improbable. The extant field literature in argumentation without exception operates within the parameters suggested by traditional usage. This is a *prima facie* example of how language as a social tradition influences the construal processes of individual persons by providing co-orientation and coordination of meaning. Without such co-orientation and coordination, there could be no general coherence to research concerning argument fields. Yet, it is still worthwhile to notice the metaphorical quality of the term, because there is considerable danger of conceptual confusion in the unreflective use of metaphors. This is especially the case when descriptively accurate and literal characteristics at one level become figurative, imprecise and perhaps even inappropriate at other levels. Thus, while such adjectives as rich, fertile, fruitful, or barren could have accurate and literal application to describing a piece of ground, these qualities are at best figuratively suggestive but literally inaccurate in relation to an intellectual field. That one sees in context or is perceptually influenced by one's field of vision is but suggestive of how one might be influenced by the direction provided via the language, methods and materials of an intellectual discipline. The dangers of mixed metaphors, of confusing literal and figurative uses, of accepting intuitively appealing metaphors for careful, accurate, and literal description or explanation are real and carry serious conceptual consequences. To some extent metaphors are unavoidable, but we should be on the alert for them and careful in their use.

In hopes of remaining carefully literal, I wish to make six observations concerning the nature of fields. These observations are not made by looking out to "fields in the world" and seeing how they operate, but from "looking in" to what given my prior experience, readings, conversations, etc. the term field means and refers to in the world. In a sense these observations are introspections and reflections. They are undoubtedly influenced by my social constructivist commitments. Yet, they are observations in principle because they are available for verification and consentual validation by others. Thus, it seems that (1) Fields as knowledge structures and contexts for reasoning are essentially symbolic entities; (2) Fields are created by people in social interaction; (3) People are participants in multiple fields; (4) Field interactants develop and utilize specialized vocabularies and propositional structures; (5) Fields gain interacting, interpenetrating, dynamic and fluid qualities through human interaction; and (6) Fields emerge from the interaction of people, language, method, experience, and the world. I shall briefly elaborate on each of these observations and some of their implications.

FIELDS AS KNOWLEDGE STRUCTURES AND CONTEXTS FOR REASONING ARE ESSENTIALLY SYMBOLIC ENTITIES. It is a truism of critical philosophy as articulated by Kant or Cassirer that human knowledge is necessarily symbolic.[6] Fields, insofar as they are aspects of human knowing of necessity share this characteristic. Although the proposition may seem uncontroversial, it implies that all fields are subject to general features inherent in symbolism and symbolic usage. Thus, the creation, communication, maintainence and transformation of symbols and symbolic structures are features common to all fields. Moreover, reasoning requires the manipulation of symbols. Without symbols the notion of reasoning is impossible. Fields provide the symbolic constructs and argument forms from which personal and social reasoning proceed. Clearly, reasoning can be a personal activity. But, the constructs and forms for reasoning may be socially provided through communication. Field theory which neglects the symbolic nature of the enterprise will by overstressing either the substantive, interactive, or personal elements in field operation neglect and distort their social/rhetorical aspects.

Moreover, to view fields as essentially symbolic entities, is not a denial of the existence of a substantial reality. The adequacy with which our symbols express the actual characteristics of reality is a significant concern. In principle, symbols cannot fully capture reality. The symbol can never be the thing itself. Thus, deficiencies in symbolism mark not only the limits of human knowledge, but index the limits of our knowledge potentials. Symbols in this context must not be restricted to language. In addition to language, humans use visual, tactile, olfactory, and auditory symbolisms. Linguistic symbolism is discursive. The other forms are presentational (non-discursive). Both symbolic genres may be present in a particular field. Presentational symbolism provides part of the data context for field reasoning. However, reasoning does not proceed from presentational symbolisms unless discursive symbolism (language) is utilized. Both presentational and discursive symbolisms are a kind of knowledge structure, both provide aspects of the context of a field, but it is the discursive symbolisms of the field which enable argument structures.

FIELDS ARE CREATED BY PEOPLE IN SOCIAL INTERACTION. Fields, as intellectual enterprises, may originate in a single personal perspective. Yet, it is probable that any individual living in a linguistic community will draw on the social stock of constructs and the common forms of construing in this process. To that extent, even personal construal is socially influenced. In principle, it is possible for a totally private field in a private language. However, insofar as a "field" remains a uniquely personal and private approach to knowing some aspect of the world, it remains idiosyncratic, socially unknown, and cannot influence argument at social levels. When communicated and shared with others the personally created field becomes social. At the social level, it impacts the construal processes of its participants.

Further, as personal perspectives become socially communicated and others become participants in the field, the perspective is likely to be modified as various participants draw upon their experience, information, background, judgment, and preferences to add to, delete, or re-order the symbolic structure of the field. Through communication, fields move from being merely personal to being broadly shared social perspectives which facilitate the co-orientation and coordination of field centered interpretation. Fields are thus in their social aspects, communication traditions, cultural ways of knowing which persons in the culture/in the field are expected to internalize during the socialization process. It is as a social tradition, that fields represent and facilitate the collective knowledge of a culture which endures and is refined from generation to generation. It is as a social tradition that it is possible to appreciate the historical dimension of fields, to consider their evolution, and to apply their artifacts (prior texts, materials, etc.) to present field interaction and structure.

Of course, the potential always remains for the personal creation of a new "field" or for field "reform." However, once a field becomes social, reform can only be initiated by an individual. It will succeed only if other members of the field accept and adhere to the reform. Thus, social fields are strongly influenced by rhetorical practice in both their continuation and change. Fields which remain uniquely personal die with their creators.

PEOPLE ARE PARTICIPANTS IN MULTIPLE FIELDS. Fields are divisions of human knowledge. They provide limited and incomplete perspectives on reality. They encompass some part, but not the entirety of human experience and knowledge. It seems impossible that a human being would participate in only a single field during a normal lifetime. A rather ordinary individual who attends a church, belongs to a political party, works in an accounting firm, watches football, plays tennis, and reads science fiction, participates in the fields of religion, politics, accounting, sports, and literature. Such a person may not advance the knowledge in any of these fields, but will still utilize the knowledge and constructs provided by these fields. Further, such a person may gradually increase in personal knowledge as he or she gains more experience in, more constructs from, a fuller comprehension of each of these fields. Fields focus upon, capture and emphasize some limited aspect or feature of human experience in the world. They enable and expedite common understanding and problem solving within that sphere. But, it is unlikely that any human being is so totally encapsulated in a single field as not to also participate (at least as a follower or interactant) in several other fields. People diverge in the number of fields in which they participate and in the thoroughness with which they have internalized these fields.

FIELD INTERACTANTS DEVELOP AND UTILIZE SPECIALIZED VOCABULARIES AND PROPOSITIONAL STRUCTURES. One especially prominent feature of fields is the development of specialized terminologies and propositional structures. The meanings of these terminologies and the propositions which utilize them may not be generally shared throughout the language community. They constitute specially coded knowledge of field members. Although it is possible for the same terms to be in use both in general social discourse and in field discourse, in the field-context the term may have a different or more precise meaning. There is always the potential for some incorporation of field vocabulary into the discourse of the broader language community. Just as there is always the possibility for field interactants to appropriate a term from the general language community and use it with a specialized meaning. When field interactants encounter a situation where an adequate descriptive vocabulary does not yet exist, they must choose either to "forge a new word or shift the meaning of an old word."[7] Nonetheless, learning the field-vocabulary and the appropriate uses of this terminology is an essential pre-requisite for field membership. Without this knowledge one cannot competently engage in field-think/field-talk.

When field members communicate with non-field members, they ordinarily find it necessary to either avoid field terminology or to explain it as they go. Sometimes it may be necessary to explicitly articulate some background assumptions or events commonly understood in the field to facilitate the understanding of an outside group. Both of these approaches to communicating reflect the shift from high codable to low codable formulations. Field interactants gain an advantage of speed from their ability to operate from highly coded language.[8] In some instances, it may be desirable to utilize presentational symbolisms to increase understanding. As a crude example of this point to tell beginning bicyclists that when they begin to lose their balance to lean in the opposite direction of the fall to restore balance is most communicative if the bicyclists link the language "begin to lose their balance" to the internal presentational symbolism of what losing one's balance feels like. Because presentational symbolism is a part of the field, it is often impossible to learn a field without some experience to create presentational symbolisms in person. There are differences between participants in the field of debate whose only knowledge is derived from the textbook, observing the activity, participating in the activity, and some mixture of the approaches. It is possible to learn the technical vocabulary from the textbook or observing the activity. But the ability to appropriately utilize the vocabulary in practice depends on actual participation. On the other hand, participation alone does not assure appropriate use. Probably, some mixture of approaches eventually integrating language and experience is how fields are most effectively learned.

FIELDS GAIN INTERACTING, INTERPENETRATING, DYNAMIC AND FLUID QUALITIES THROUGH HUMAN INTERACTION. It is probably popular to believe that fields interact because the world interacts. This proposition about the world being in interaction is not one with which I wish to quarrel. But, it does not explain field interaction. It is important to recall here that fields are symbolic entities. They are systems of thought, patterns of construal which become socially shared. Even if things in the world may of their nature have impact upon one another and thus interact, interpenetrate, be dynamic and in flux, it does not follow that symbols or symbols systems are directly effected by these interactions. Changes in symbols, symbols systems and thus fields must be mediated through human interaction.

A description such as developments in the field of sub-atomic physics will revolutionize the technology of nuclear power and alter geopolitics is not a simple ordinary deterministic causal sequence. For a development in sub-atomic physics to revolutionize nuclear technology requires some person in nuclear technology to become aware of the development in sub-atomic physics and then to draw implications for technological use probably not explicit in the literature of sub-atomic physics. Moreover, this person must also communicate to others in the field of nuclear technology and secure their cooperation before a new and innovative technology will develop or be accepted. For this technology to impact geo-politics depends upon energy consumers becoming aware of the new technology and to alter their reliance on other energy sources. Shifting patterns of resource interdependence upon nations would presumably effect geo-politics. What was missing in the initial description was the essential human participation in the process.

Field interactions are rhetorically mediated as persons or groups of persons become aware of a new development, symbol, pattern or reasoning and then directly or analogically apply it within their own domain. When this happens new symbolic patterns emerge and new traditions begin. Interactions between fields happens only as a consequence of the symbolic coming together of options in personal and social consciousness. That people are participants in multiple fields or sometimes interact with people from other fields provides the opportunity for such symbolic interaction.

FIELDS EMERGE FROM THE INTERACTION OF PEOPLE, LANGUAGE, METHOD, EXPERIENCE AND THE WORLD. Any adequate account of fields must involve the interaction of at least these factors. Fields are people products. If people are abstracted from the explanation of fields, then fields become reified as independent and separable realities which are not contingent on ongoing human interaction. Fields are personal and social creations ultimately existing as long as they are revitalized in human interaction and maintained in personal and social consciousness. Both personally and socially, language is the primary symbolism in which field-knowledge is codified and propagated. It is the symbolism essential for field argument. People in fields develop preferred methods for testing and verifying the symbolic knowledge they hold. They are concerned with the fit of the symbolism they utilize to the experiences which they have had personally and collectively. They are concerned both with the fit of their discursive to their presentational symbolism and with the fit of both to the world.

People do experience a "world" which is real, external, and not completely knowable. It is in interaction with the world that we test our methods, compare our experiences, apply our language. Fields do have a substantive dimension. They are about something, and the world to some extent provides constraints on rhetorical creativity.[9] Field theory, which ignores or devalues the impact of any of these factors, must as a consequence, overemphasize other factors. For instance, a theory which dismisses the world, in which human cognitive life is only a matter of constructs interacting with constructs, language bouncing upon other language, will be unable to ground constructs at any point to experience in the world. Such a theory would allow language to totally overpower experience and make language a deterministic control over thought, perception and experience. That language does influence these factors seems clear. But, influence, even the dominance which language may exert over presentational forms, leaves room for other means of knowing and some at least approximate notions of truth.

A CONCLUDING APPLICATION

I hope that the preceding observations will be useful beginning points for the further analysis and investigation of argument fields. I have attempted to look for general characteristics of fields rather than special characteristics of particular fields. If the observations here are truly general, then most if not all of these characteristics should be observable in particular fields. I would like to bring this essay to a close by raising the question of what is the field of argumentation? In answering this question, I shall attempt to bring to bear the observations previously developed in this essay. In essence, the question is raised to test the applicability of the general observations to a particular field.

The field of argumentation might be described as that discipline in which the people are concerned with creating and sharing symbolic knowledge about how structures and processes of communicating reasons occurs personally, interpersonally and socially in any content domain. The people, whom we will call argumentation teachers and scholars, have developed and do utilize specialized vocabularies and propositional structures whose meanings are not shared completely by the general language community: $argument_1$, $argument_2$, stock issues analysis, policy systems, solvency, attitudinal inherency, etc. The field of argument was socially constructed. The field has a long history dating back into antiquity. A variety of people including Protagoras, Aristotle, Cicero, Quintilian, Hume, Locke, Campbell, and those current teachers and scholars of argument have participated in making, maintaining and changing the field. Argumentation scholars and teachers are also participants in other fields. Among contemporary argumentation scholars and teachers it is not unusual to find participation in at least some of the following fields: speech communication, logic, rhetoric, interpersonal communication, political science, the sociology of knowledge, and history. Much of the considerable current interaction of the field of argument with other fields is mediated by members of the argumentation community who drawing upon constructs and patterns of reasoning and explanation drawn from other fields have begun explicit application of those constructs and patterns in the argumentation field. Such innovations arise in personal consciousness, but through communication are shared and if accepted and maintained may notably change the field. The field of argumentation does seem to be dynamic and perhaps undergoing significant intellectual change. The change is not inherent in the nature of the field, but in the nature of the people in the field. But, there is a real world out there in which people do argue and upon which members of the argumentation community observe and test their constructs and experience. Competing theories can be tested based upon how much and what parts of communicated arguments they accurately describe and explain.

Although this application is brief, it is suggestive of the applicability of the general observations to a particular field. Clearly, these observations do not exhaust potentially important characteristics of fields. On the other hand, they do seem to be among the salient features of fields, which are likely to be important to accurate description and theoretical explanation. Hopefully, a fuller understanding of their implications will emerge with continuing research.

END NOTES

[1] Charles W. Kneupper. "On Argument and Diagrams." Journal of the American Forensic Association. 14 (Spring 1978), 181-186; "Paradigms and Problems: Alternative Constructivist/Interactions Implications for Argumentation Theory." JAFA. 15 (Spring 1979), 220-227; and "Rhetoric, Argument and Social Reality: A Social Constructivist View." JAFA. 16 (Winter 1980), 173-181.

[2] See for instance Charles Arthur Willard. "On the Utility of Descriptive Diagrams for the Analysis and Criticism of Arguments." Communication Monographs. 43 (Nov. 1976), 308-319, and "A Reformulation of the Concept of Argument: The Constructivist/Interactionist Foundations of a Sociology of Argument." Journal of the American Forensic Association. 14 (Winter 1978), 121-140.

[3] Charles W. Kneupper. Rhetoric as Reality Construction. (Unpublished Doctoral Dissertation: Bowling Green State University, 1973).

[4] This excursion is into a compilation of historical and social uses of the term.

[5] The Oxford English Dictionary. (Oxford: Clarendon Press, 1970), 192-194.

[6] For discussion see "Argument: A Social Constructivist View." Journal of the American Forensic Association. (in press)

[7] Group μ (J. Dubois, F. Edeline, J. M. Klinkenberg, P. Minguer, F. Pire, H. Trinon) A General Rhetoric. Paul B. Burrell and Edgar M. Slotkin (Trans.) (Baltimore: John Hopkins University Press, 1981), p. 37.

[8] For a discussion of codability see Charles W. Kneupper: "Language and Thought: Rhetorical Implications." ETC - A Review of General Semantics. 32 (Sept. 1975), 309.

[9] See Charles W. Kneupper. "Rhetorical Creativity: The Person, the Situation and the Art." Rhetoric Society Quarterly. Vol.10 (Summer 1980), 160-164.

"REASONABLENESS" IN PUBLIC POLICY ARGUMENT: FIELDS AS INSTITUTIONS

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I.

At the risk of reinventing the wheel, I would like to begin by setting out a working notion of "reasonableness."[1] The concept is intended to do the same work as the idea of validity in formal logic: to provide a means for distinguishing between sound and unsound arguments. Yet arguments in ordinary usage almost never meet the standard of validity demanded by formal logic. Precisely because the claims of ordinary arguments go beyond the evidence provided, it is always possible that the evidence might be true and yet the claim might be false. As Toulmin explained in The Uses of Argument, however, formal logic provides no other basis for distinguishing a strong from a weak argument.[2]

The standard of reasonableness addresses this problem. Broadly speaking, an inference is reasonable if it would be made by most people when they were exercising their critical judgment. This standard is more stringent than logical possibility: just because an inference does not deny itself, there is no assurance that anyone would take it seriously. But reasonableness is a less stringent standard than formal validity, according to which there could be no case in which the evidence were true and yet the conclusion false.

Reasonableness, then, is dependent on the judgment of audiences. It is determined not by any intrinsic features of the inference, but by how people generally react to the inference when they are thinking critically. Hence an argument is reasonable if it receives the assent of what Habermas calls a warranted consensus.[3]

Reasonableness is also dependent on history. Audiences are willing to make an inference confidently because the inferential pattern in the past has led to satisfactory results far more often than not. Experience rather than abstract logic conditions what inferences people will judge to be sound. Even though reasonable, any argument involves a gamble, since safe passage from evidence to claim never can be guaranteed. But the reasonableness standard permits an intelligent gamble supported by the weight of experience.

To ground reasonableness in audience judgments is not to say very much unless we can specify more carefully *what* sorts of inference people are likely to accept. In general, an inference can be said to be reasonable if it meets two basic conditions: the form of the inference is free of obvious defects, and the underlying assumptions of the argument are shared by the audience. Correctness of an inference's form is a matter of its satisfying generally used tests. For instance, causal arguments should not confuse correlation with cause, should not commit the fallacy of common cause, should recognize the existence of multiple causes and effects, and should avoid the post hoc fallacy. Arguments from example should employ a sufficiently large and representative sample and should avoid the fallacy of composition. Similar tests can be suggested for sign, analogy, and testimony, and general admonitions also can be offered, such as the need to avoid begging the question or engaging in equivocation. Following Toulmin, I regard these matters as field-invariant.[4] That is, regardless of the field in which an advocate argues, similar tests will apply to causal claims, arguments from example, and so forth.

The second condition of reasonableness is that the underlying assumptions of the argument are shared by the audience. No argument is made in a vacuum; it always is embedded in a context of underlying assumptions. The reason these assumptions are seldom stated -- indeed they may not even be realized by the advocate -- is that they are widely shared among the community of people to whom the argument is addressed. In Farrell's term, these assumptions may be said to be part of the "social knowledge" of the community.[5] Since these assumptions are accepted as knowledge, they furnish points of reference, in comparison with which statements put forward for an audience's assent can be judged sound or unsound. An argument which flies in the face of these underlying assumptions probably would be rejected as unreasonable.

The underlying assumptions of an argument, though often phrased as broad statements about history, causality, values, and so on, are substantive and specific to the content of a given argument. On arguments of differing types, audiences will hold differing underlying assumptions. The set of assumptions also may vary from audience to audience. What McKerrow described as differing "argument communities"[6] may differ in large part because of the nature of their underlying assumptions.

This second criterion of reasonableness, then, is field-dependent. In fact, the nature of underlying assumptions made by audiences may be a useful dimension on which to distinguish fields. According to this view, law and science, for example, would be regarded as distinct fields not because their obvious subject matter is different but because audiences bring different sets of assumptions to the argumentative situation and evaluate arguments by reference to those assumptions. A useful approach to "mapping" fields of argument, then, might be to chart the underlying assumptions of a variety of argumentative situations. If one found, for example, that assumptions about the value of life and about the moral obligations of people characterized arguments addressing issues of personal autonomy, and that assumptions about the value of experience, the motives of other parties, and the concept of national mission characterized arguments about foreign policy, then one would be justified in treating personal autonomy and foreign policy as different fields of argument.

One more point should be made in this general discussion of underlying assumptions. Although they serve as benchmarks for evaluation of other arguments, they are not themselves unchangeable. People today reject many assumptions that were taken as social knowledge in former times, and there is no reason to doubt that the process of continual revision of underlying assumptions will persist. But revision is gradual and evolutionary; it results from a repeated inability to square underlying assumptions with actual experience.[7] Eventually the range of events which challenge an assumption may be so great as to cause the assumption to collapse of its own weight. Even so, however, what typically happens is that the assumption is "persuasively defined"[8] so that the same terms continue to be used although with different referents. I have suggested elsewhere that the underlying assumption of the value of "equal opportunity" was effectively redefined during the mid-1960's from nondiscrimination to affirmative action.[9] In one sense the underlying assumption of the society certainly changed, but in another sense it remained the same. And it is very rare that a single argument, or a succession of arguments by a single advocate, will have much effect on the basic assumptions. Since arguments typically occur in a much shorter time span than does the change in underlying assumptions, it still makes sense to say that remaining consistent with underlying assumptions is a basic condition of reasonableness.

II.

My task is to characterize the nature of the reasonableness standard within the sphere of policy argument. I should like to focus specifically on argument which takes place _within_ political institutions, rather than--say--campaign rhetoric or the rhetoric of protest organizations and movements. I shall take as a given that policy argument is a distinct field. (The way to determine whether or not this assumption is warranted is by seeing whether the nature of underlying assumptions which I describe is markedly different from the assumptions in the "fields" represented by my colleagues on the panel.)

Two years ago, my colleague, Tom Goodnight, described what he called "the liberal and the conservative presumption,"[10] calling attention to the ways in which political philosophy affects the foundations of public argument. The liberal presumption sees change as both inevitable and desirable, and assigns to government an active role in stimulating and directing change. The conservative presumption veers toward stability and is suspicious of an active governmental role. Political institutions--in theory at least--are responsible to the public; and the public always is a composite of people, some inclined toward the liberal position and some toward the conservative. So it is my contention that political institutions are premised upon _both_ the liberal and conservative presumptions. Although one or the other may dominate during a given period of time, the effectiveness of the political system depends upon its ability to encompass both. Liberals and conservatives will sustain their adherence to the institutions provided that the institutions seem to identify with their aspirations and needs.

In other words, it is the dialectical _tension_ between the liberal and conservative presumptions which sustains political institutions.

This same tension furnishes the context for argument within the institutions. Put simply, policy arguments are regarded as "reasonable" if their underlying assumptions draw upon both the liberal and the conservative presumption. Claims which veer unabashedly toward either pole, without acknowledging and legitimizing the alternative presumption, are likely to be dismissed as unreasonable.

In certain periods of United States history, notably the Progressive era, the New Deal, and the Great Society, the liberal presumption has been predominant. It has been reflected in an impatience with social conditions which are thought to be perfectible, in the assumption that the political system is capable of adjustments which will make it work better, and in the belief that the task of government is to stimulate action directed toward this end. Never, however, has this belief been given an absolute free rein; arguments for the abolition of capitalism, or for equalization of wealth, or for abandonment of the work ethic are dismissed as unreasonable. Each of the four Presidents whom John Morton Blum has described as "progressive"[11] advocated his programs in large part on the grounds that the program preserved important values or represented an alternative to more drastic action which might be taken otherwise. Robert Scott has argued that "the conservative voice in radical rhetoric"[12] is a persistent strain in American society, and it is easy to see why. Within a political system, arguments must be able to be squared with the underlying assumptions made by both liberals and conservatives.

A brief contemporary example should illustrate this point. Under pressure from his advisers, particularly Daniel Patrick Moynihan, President Richard Nixon in 1969 decided to champion a form of a guaranteed annual income.[13] This proposal had been advanced initially by liberals who saw it as an appropriate response to the elimination of jobs by automation. The proposal, originally advanced in 1964, received little public support; a commission appointed by President Lyndon Johnson had concluded in 1967 that such a program was "almost surely beyond our means at this time" and raised doubts about its feasibility at any time.[14] But Nixon had been convinced that by advocating this measure he could "leapfrog" the liberal[15] opposition and thereby gain more room to maneuver on other issues.

However, had Nixon advocated a guaranteed annual income on the same grounds that it originally had been proposed by the Ad Hoc Committee on the Triple Revolution, his position would have been dismissed as unreasonable. Who would be willing to admit that the work ethic is obsolete? He chose instead to describe a basically liberal program--relying on government intervention to restructure economic incentives--in conservative terms. It was called the "Family Assistance Plan," and one of its stated goals was the preservation of family units from breakup caused by economic reasons. Rather than being seen as an alternative to work, Nixon described the program so that it was made contingent upon work by all who were able-bodied. Rather than emphasize the financial outlays which the program would involve, Nixon appealed to the value of thrift by emphasizing the long-run savings in welfare and other governmental expenditures.

This example illustrates a shrewd attempt within the political system to make arguments consistent with the social knowledge of *both* liberals and conservatives. Although the plan ultimately was not passed by Congress, a particular blending of underlying assumptions in a state of dialectical tension made Nixon's argument in its behalf reasonable.

In like manner, a political administration which is predominantly conservative must counterbalance appeals to the liberal and the conservative presumption. Calls for the strengthening of individual initiative, references to the impossibility of drastically changing society, and admonitions for less government interference in people's lives are never absolute. Were conservatives to call for the *dismantling* of major governmental efforts--the logical extension of their philosophical system--their arguments would be rejected as unreasonable, as Barry Goldwater discovered in 1964 when he proposed to sell the Tennessee Valley Authority and make participation in Social Security voluntary.[16]

No better contemporary example can be found than the current attempts by the administration of President Ronald Reagan to implement "supply-side" economics through drastic reductions in Federal taxes and spending. Although defending his economic program through appeals to traditional conservative values, Reagan has taken pains to stress that his proposed budget cuts are actually cuts in the *rate of increase* of the Federal budget. This appeal reassures conservatives because the President is cutting back on programs going as far back as the New Deal. At the same time there is something in this appeal which is palatable to liberals--the programs will continue to grow, albeit slower; government is not abandoning social programs. In fact, the President and his Budget Director repeatedly have assured that the "social safety net" of programs for the "truly needy" will be maintained. One of David Stockman's first public statements was to announce a list of programs that would be spared from cuts; and in virtually every public statement defending the budget cuts, the President has taken pains to point out that the "truly needy" will not suffer.[17] The need to appeal to supporters of both liberal and conservative presumptions was made evident in Reagan's abortive attack on the central principles of the Social Security system, which was rebuffed 96-0 by Senate resolution. Here is a clear empirical case of an argument within the political system which was dismissed as unreasonable by liberal and conservative Senators alike--not because of any deficiency in the form of the argument but because it failed to sustain the tension between the two presumptions. Even conservatives who wish to scale back government programs typically make an exception where Social Security is involved.

So far I have described the underlying assumptions which characterize argument about matters of domestic policy--primarily economic and social policy--within political institutions. Much the same tension can be seen in the arena of foreign policy, although here the roles of liberals and conservatives are somewhat confused. Largely in response to the trauma of the Vietnam war, the traditional liberal presumption--in favor of the efficacy of American action in improving the world and perfecting the condition of other societies--was overturned. Throughout most of the past decade, the advocates of a "Fortress America" position or anything resembling it are people who also call for an active governmental role in domestic affairs. Likewise, conservatives who wish to reduce government programs typically make an exception where defense is concerned.

Nevertheless, policy arguments reflect the state of dialectical tension between liberal and conservative presumptions. Lyndon Johnson, while widening American involvement in Vietnam, kept denying that he was doing so. The reason, I think, is less that he set out deliberately to deceive anyone as that he saw each increment in American involvement as an extension of the same basic policy he had followed all along--an appeal to the conservative value of stability. At the same time, Senator Fulbright, though calling for a major change--re-examining the premises of Vietnam policy and questioning the judgment of the executive--defended his proposals on the grounds that they were consistent with basic, conservative American values. John Foster Dulles, to cite another example, was able to reconcile American inaction in Hungary in 1956 with a stance which called for American leadership in "rolling back" the iron curtain, thereby appealing to both the advocates of stability and change.[18] In short, in the foreign sphere as in the domestic, reasonable arguments are those which appeal to a "social knowledge" base containing both the liberal and the conservative presumption, in recognition of the nature of the public which ultimately must validate the arguments.

III.

I would like to examine in some detail a specific case of policy argument which drew heavily on both the liberal and the conservative presumptions. I refer to the advocacy on the part of the Lyndon B. Johnson Administration for a Federal program to combat poverty in the United States. The rhetoric of the War on Poverty appealed powerfully to the liberal presumption, with its call for an all-out war, the demand for unconditional victory, the assumption that government had the necessary resources and expertise, the belief that society could be improved upon and that it was the job of all just people to try. But at the same time three of the most powerful and frequently-used arguments in behalf of the program were appeals to conservatives.[19]

First, supporters of the poverty program insisted that it would not cost much. To answer Congressmen who had reservations because the program's scope was limited, Sargent Shriver maintained, "We propose to do this first year only so much as we are sure we can carry out efficiently, with a dollar's value for a dollar spent."[20] In this way he could establish that he was cost-conscious, and hence that the budget requests he did make were legitimate. In a Cabinet meeting later in 1964, the President would express his view that the public would support social programs "only if we take positive steps to show that we are spending only what we legitimately need to spend."[21]

The low initial cost of the antipoverty program was made even more attractive to an economy-minded Congress by the promise of savings in the long run. By early January, 1964, even before the outline of the program had been conceived, the President had decided that the net cost of the bill would be no more than $500 million. This low figure enabled Representative Phil Landrum to champion the measure, asserting, "This will not be an expensive program. This will be the most conservative social program I have ever seen presented to any legislative body. There is not anything but conservatism in it."[22] Furthermore, it was expected that future increases in cost would be offset by savings elsewhere in the Federal budget. The main source of these savings, ironically, was expected to be the Defense Department, whose budget already had been reduced by Secretary McNamara as an economy move.[23]

As for the long run, the program would save more money than it would cost, since the costs of inaction were greater than the costs of the bill. Senator Humphrey cited lost production, lack of purchasing power for the poor, and welfare payments as costs of continued poverty.[24] By contrast, it was argued that tax revenues gained and welfare payments saved by making citizens productive would justify the cost of the new program.

Second, supporters of the Johnson Administration insisted that the new program was quite unlike traditional welfare or public assistance programs. It would not go on indefinitely, permanently involving government in attempting to solve the problem. Rather, by breaking the cycle of poverty, it would train people who would become productive citizens, so that the program could be self-liquidating. This appeal would satisfy conservatives both because of its reliance on the work ethic and because it called for a diminished governmental role over the long run.

In his opening statement before the House Committee on Education and Labor, Walter Heller specifically rejected an "income" strategy for the War on Poverty, claiming that it would touch only the symptoms and not the roots of the problem. Congressman Pucinski of Illinois asserted that the underlying purpose of the new legislation, far from sustaining welfare, was to get people off relief and to reduce the welfare state. Senators Pat McNamara of Michigan and Ralph Yarborough of Texas argued that economic opportunity was the very antithesis of the dole.[25] These disjunctions were encouraged by President Johnson. To the convention of the United Auto Workers, to a group of Argentine Senators, to the American Society of Newspaper Editors, the President contrasted the War on Poverty with traditional welfare programs, insisting that the new effort's aim was "making taxpayers out of taxeaters." The same theme was repeated twice in the President's remarks upon signing the Economic Opportunity Act in August, at which time he declared, "We want to offer the forgotten fifth of our people opportunity and not doles," and again in October at the swearing-in of Shriver as Director of the Office of Economic Opportunity.[26]

Of course, the disjunction between welfare and the War on Poverty was expedient as well as presumably necessary. Relief agencies often are the subject of public attack by those desirous of lower taxes and by those who, holding the traditional conservative view that poverty is a sign of personal failure, are concerned that public relief subsidizes indolence and illegitimacy. By distinguishing the proposed War on Poverty from welfare programs, the Johnson Administration found it easier to avoid this antagonism.

Third, it was emphasized that the new program would rely not on central direction from Washington but on local initiative. Each community would design its own programs in response to its own needs. This appeal was satisfying to conservatives in at least two respects. A community-based program was seemingly closer to the people and hence more accountable; and the call for community action was viewed as consistent with the tradition of grass-roots democracy.

The 1964 report of the Senate Labor and Public Welfare Committee found community action programs to be based upon "the traditional and time-tested American methods of organized local community action to help individuals, families, and whole communities to help themselves."[27] That local residents were in a position to know the needs of their communities better than the more remote Federal officials was argued by several liberal witnesses, including Jack Conway of the United Auto Workers, Attorney General Robert Kennedy, Senators Pat McNamara of Michigan and Warren Magnuson of Washington. These sources took their cue from President Johnson, whose March 16 message to Congress included the argument that each community knows its needs best and should not have plans imposed upon it from Washington.[28] Shriver offered one of the clearest elaborations of this traditionally conservative point of view. In a speech to the Advertising Council on May 5, 1964, he declared, "What will work in Cleveland will not work in Los Angeles, and a program which Chicago might use to fight urban slum poverty will not take root in the rocky soil of Appalachia. That is why the heart of the poverty legislation is local community action and voluntary participation."[29]

From the distance of nearly twenty years it is not difficult to see fundamental dilemmas in the Johnson Administration's appeals. It is somewhat unusual to wage total war with a spending limit determined in advance; to distinguish antipoverty aid from welfare when the same people are helped by both; or to insist that a nationally coordinated major effort could be undertaken with each community free to determine its needs and the means for satisfying them. In time, these and other discrepancies would create difficulties for President Johnson. But in 1964, much to the contrary, this careful balancing of appeals helped to generate widespread support for a new program within a very short time. Rather than seeming inconsistent, the arguments were complementary. Large numbers of both liberals and conservatives could support the War on Poverty, because the arguments in its behalf seemed so "reasonable."

IV.

I have suggested that "reasonable" arguments are those which would be accepted by most people when they were exercising critical judgment. Reasonableness is a function of both the avoidance of obvious defects in inference--a field-invariant standard--and the congruence between an argument's underlying assumptions and the "social knowledge" of the relevant audience. This second standard is field-dependent and may furnish the criterion for mapping the boundaries between fields.

Within public policy argument, the most significant dimension of "reasonableness" is the constant dialectic between the liberal and the conservative presumption. Since political institutions respond to publics including both liberals and conservatives, each must find an identity between its interests and the articulation of public policies. Arguments which veer unequivocally to the liberal or the conservative pole tend to be dismissed as unreasonable, but those which recognize the influence of both the liberal and the conservative presumption are likely to gain public support.

Notes

[1] Among works addressing this topic are Karl R. Wallace, "The Substance of Rhetoric: Good Reasons," *Quarterly Journal of Speech*, 49 (October 1963), 239-249; Ray E. McKerrow, "Rhetorical Validity: An Analysis of Three Perspectives on the Justification of Rhetorical Argument," *Journal of the American Forensic Association*, 13 (Winter 1977), 133-141; and Thomas B. Farrell, "Validity and Rationality: The Rhetorical Constituents of Argumentative Form," *Journal of the American Forensic Association*, 13 (Winter 1977), 142-149.

[2] Toulmin notes, "The acceptable, logical words include 'all,' 'some,' 'or,' and a few others: these are firmly herded away from the non-logical goats, i.e. the generality of nouns, adjectives and the like, and unruly connectives and quantifiers such as 'most,' 'few,' 'but.'" Stephen E. Toulmin, *The Uses of Argument* (Cambridge: Cambridge Univ. Press, 1958), p. 149.

[3] See Jurgen Habermas, "Theories of Truth," trans. Richard Grabau (unpublished manuscript, Purdue University), p. 22, as explained in Brant R. Burleson, "On the Foundations of Rationality: Toulmin, Habermas, and the *A Priori* of Reason," *Journal of the American Forensic Association*, 16 (Fall 1979), 120.

[4] Toulmin, *The Uses of Argument*, p. 15.

[5] Thomas B. Farrell, "Knowledge, Consensus, and Rhetorical Theory," *Quarterly Journal of Speech*, 62 (February 1976), 1-14. See also Walter M. Carleton, "What Is Rhetorical Knowledge? A Response to Farrell--And More," *Quarterly Journal of Speech*, 64 (October 1978), 313-328; Thomas B. Farrell, "Social Knowledge II," *Quarterly Journal of Speech*, 64 (October 1978), 329-334.

[6] Ray E. McKerrow, "Argument Communities: A Quest for Distinctions," *Proceedings of the Summer Conference on Argumentation* (Falls Church, Va.: Speech Communication Association, 1980), 214-227.

[7] On the evolution of disciplines through gradual revision of underlying assumptions, see Stephen E. Toulmin, *Human Understanding: The Collective Use and Evolution of Concepts* (Princeton, N.J.: Princeton Univ. Press, 1972), esp. pp. 96-130.

[8] The term, "persuasive definition," is taken from Charles L. Stevenson. See especially his *Ethics and Language* (New Haven, Conn.: Yale Univ. Press, 1944), pp. 206-226.

[9] David Zarefsky, "Lyndon Johnson Redefines 'Equal Opportunity': The Beginnings of Affirmative Action," Central States Speech Journal, 31 (Summer 1980), 85-94.

[10] G. Thomas Goodnight, "The Liberal and the Conservative Presumption: On Political Philosophy and the Foundation of Public Argument," Proceedings of the Summer Conference on Argumentation (Falls Church, Va.: Speech Communication Association, 1980), pp. 304-337.

[11] John Morton Blum, The Progressive Presidents: Roosevelt, Wilson, Roosevelt, Johnson (New York: W. W. Norton, 1980).

[12] Robert L. Scott, "The Conservative Voice in Radical Rhetoric: A Common Response to Division," Speech Monographs, 40 (June 1973), 123-135.

[13] The history of the Family Assistance Plan is recounted in Daniel Patrick Moynihan, The Politics of a Guaranteed Income (New York: Random House, 1973).

[14] Johnson made this statement even as he announced the appointment of a Presidential commission to study guaranteed-income proposals. The commission submitted its report, Poverty Amid Plenty: The American Paradox, in November 1969.

[15] A recent example of similar maneuvering on an important issue is President Ronald Reagan's nomination of the first woman Justice of the Supreme Court. Just as Nixon also espoused a conservative position, however, so Reagan has publicly opposed the Equal Rights Amendment. Nevertheless, his nomination of Sandra Day O'Connor, generally endorsed by liberals, has provided him with room to maneuver.

[16] Neither Dwight D. Eisenhower in 1953 nor Richard Nixon in 1969 proposed whosesale dismantling of the programs of his predecessor. It is too soon to know what will happen when the dust settles on the Reagan Administration's economic program.

[17] The use of the phrase, "truly needy," incidentally, illustrates the way in which an underlying assumption can be persuasively redefined. It is clear that the Reagan Administration finds far fewer categories of people to be "truly needy" than would, say, a Lyndon B. Johnson Administration. But by talking the same language, the current Administration manages to modify an underlying assumption while at the same time seemingly leaving it intact.

[18] An excellent recent analysis of Dulles is Wayne Brockriede, "John Foster Dulles: A New Rhetoric Justifies an Old Policy," Rhetoric and Communication: Studies in the University of Illinois Tradition, eds. Jane Blankenship and Hermann G. Stelzner (Urbana: Univ. of Illinois Press, 1976), pp. 183-204.

[19] In fact, the Administration was specifically interested in designing appeals which would gain the assent of conservatives. A strategy for doing so is laid out in "Why Should Conservatives Support the War on Poverty?" unsigned memorandum, May 26, 1964, Executive File WE 9, Box 25, Lyndon Baines Johnson Library.

[20] Sargent Shriver, testimony before the Committee on Labor and Public Welfare, Select Subcommittee on Poverty, 88th Congress, 2d session, Economic Opportunity Act of 1964 (Washington: U.S. Government Printing Office, 1964), p. 55.

[21] Lyndon B. Johnson, "Statement on 'The Great Society,'" Cabinet Meeting, November 19, 1964, Executive File WE 9, Box 25, Lyndon Baines Johnson Library.

[22] Phil Landrum, statement in U. S. Congress, Congressional Record, 110 (August 5, 1964), 18208.

[23] "The Office of Economic Opportunity During the Administration of President Lyndon B. Johnson," unpublished administrative history, Lyndon Baines Johnson Library, p. 21. Levitan argues, furthermore, that the expectation of cuts in the defense budget was a major factor in the support of the poverty program by businesses seeking a new outlet for government contracts. Sar A. Levitan, The Great Society's Poor Law: A New Approach to Poverty (Baltimore: Johns Hopkins Univ. Press, 1969), p. 83.

[24] Hubert H. Humphrey, War on Poverty (New York: McGraw-Hill, 1964), p. 25.

[25] Walter Heller, testimony before the Committee on Education and Labor, Subcommittee on the War on Poverty Program, 88th Congress, 2d session, Economic Opportunity Act of 1964 (Washington: U.S. Government Printing Office, 1964), I, 29; Roman Pucinski, statement in U. S. Congress, Congressional Record, 110 (June 3, 1964), 12518; 110 (August 6, 1964), 18298; Pat McNamara, statement in U. S. Congress, Congressional Record, 110 (July 22, 1964), 16661; Ralph Yarborough, statement in U. S. Congress, Congressional Record, 110 (July 22, 1964), 16630.

[26] Public Papers of the Presidents: Lyndon B. Johnson, 1963-64 (Washington: U. S. Government Printing Office, 1965), I, 411, 480, 483; II, 989, 1360.

[27] U. S. Congress, Senate, Economic Opportunity Act of 1964, Report from the Committee on Labor and Public Welfare to Accompany S. 2642, Senate Report 88-1218, 88th Congress, 2d session (Washington: U. S. Government Printing Office, 1964), p. 7.

[28] Jack Conway, testimony before the Education and Labor Committee, Subcommittee on the War on Poverty Program, U. S. House of Representatives, Economic Opportunity Act of 1964 (Washington: U. S. Government Printing Office, 1964), III, 1542; Robert F. Kennedy, testimony before the Committee on Labor and Public Welfare, Select Subcommittee on Poverty, U. S. Senate, Economic Opportunity Act of 1964 (Washington: U. S. Government Printing Office, 1964), pp. 208-209; Pat McNamara, statement in U. S. Congress, Congressional Record, 110 (July 22, 1964), 16613; Warren Magnuson, statement in U. S. Congress, Congressional Record, 110 (July 23, 1964), 16743.

[29] Sargent Shriver, Point of the Lance (New York: Harper and Row, 1964), p. 100.

Historical Reason: Field As Consciousness

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Reflecting on the vagaries of "explanation," Basil Willey concludes, "One cannot...define 'explanation' absolutely; one can only say that it is a statement which satisfies the demands of a particular time or place."[1] This observation confronts us with the disconcerting truth that generally satisfactory as our accepted patterns of explanation are to us, they will doubtlessly strike our descendants, and perhaps descendants less remote from us in time than we are from the Middle Ages, as quaint and intellectually provincial. Following Willey, one is tempted to offer in riposte to Marx's famous slogan, "The philosophers have only described the world in various ways, the point, however, is to change it."[2]--But the world endures, what changes are modes of explanation. Indeed, I wish to argue that one may view history as an endless succession of symbolic expressions of various kinds, each appropriate to its intended audience, but differing from one another in their suppositions about reality. Put most generally, my thesis is that history is a gigantic study in genre, a catalogue of epochal periods in time with distinct symbolic representations.

All societies at all times and places symbolically account for themselves and this symbolism reveals their relationship to the world around them. The particular shape of symbolic representations reflect at once a culture's historical experience and the presuppositions of meaningfulness that distinguish its particular epoch. History, as lived experience, presents human beings with an unending series of situations demanding interpretation. As "the symbol using animal," humans address these situations with "strategic,stylized" responses.[3] However different may be the content of the responses human beings develop across time, space, language, and culture, one common existential fact binds them across every horizon of difference--to be human is to address the situations life poses and to give them meanings that guide private and public conduct. Human history is thus "rhetorical from the ground up."[4]

That a culture's symbolic representations are strategic and stylized, and hence, rhetorical, is demonstrated even, or rather especially, in its positioning and equiping of its dead. The first thing we know about humans qua human is their attitude toward last things. As Lewis Mumford observes:

> Soon after one picks up man's trail in the earliest campfire or chipped-stone tool one finds evidence of interests and anxieties that have no animal counterpart; in particular, a ceremonious concern for the dead, manifested in their deliberate burial--with growing evidences of pious apprehension and dread. .... The city of the dead antedates the city of the living. In one sense, indeed, the city of the dead is the forerunner, almost the core, of every living city. Urban life spans the historic

space between the earliest burial ground for dawn man and the final cemetery, the Necropolis, in which one civilization after another has met its end.5

Rituals of internment are probably the origin of the first genre of public address--epideictic.

History is rhetorical, whether viewed as lived experience, as narratives of that experience, or as a generic study of that experience. The question posed by this essay is what is its structure; what, in other words, are the components that mark history as rhetoric? To answer this question, I shall introduce the idea of rhetorical epochs. By rhetorical epoch, I mean the eruption, development, and demise of a strategic, stylized symbolism so significant that it divides history into a before and after. Rhetorical epochs are the units of organization and order in the life of humanity. The discourse that constitutes the rhetorical epoch I call "epochal discourse." With this term I refer to such works as the dynastic myths of ancient Egypt and Sumer, the Hebrew Testament, the philosophies of Plato and Aristotle, Paul's "Epistle To The Romans," Augustine's The City of God, DesCartes' Discourse On Method, and Darwin's On The Origin of Species.

After I explore how history, as lived experience, forms a tensional field from which epochal, strategic, stylized symbols emerge, flourish, and are subject to displacement, I propose to sketch the eruption of one epochal symbolism, selected because it is the first known to human history and is paradigmatic of a certain, apparently universal stage in human cultural development--the symbolism of the ancient cultures of Egypt and Sumer-Babylon. These cultures represent what I will call, following Eric Voegelin, the cosmological epoch.6 The larger study of which this paper is an exerpt examines selected creation stories, including the Memphite theology of the Old Kingdom in Egypt, and the Solar Monotheism of the heretic King Akhenaten of the New Kingdom, and in Sumer, the Epic of Creation and in Babylon, the List of Kings. Here, after sketching the cosmological epoch generally, I will examine briefly how Ethical Monotheism, a second eruption, and Greek philosophy, a third eruption, not only supplanted the cosmological symbolism and established new rhetorical epochs, but also articulated a vision of a truly universal audience.

Epochal Discourse And Tensional Field

Epochal discourse constitutes a new reality, a new model of ultimate explanation. Once such discourse appears there is no serious hope of reviving the old. The gesture of Julian the apostate of reviving the old gods after Christianity had been the official religion for several decades, was as romantic as it was pointless. Once the new religion has come, the old one is no longer satisfactory because it no longer explains things adequately. Or, to change the sphere of discourse, after Einstein, Newtonian physics is a special case.

Following Fisher's categories of rhetorical discourse, we may characterize epochal rhetoric as a special instance of the rhetoric of affirmation. As such, it is as subversive of what comes before as it is constituitive of what comes after. Epochal discourse foreshadows, even determines, the terms of expression and meaningfulness for all subsequent discourse, as, for instance, in the last decades of the old religion in Rome, when advocates of the old gods developed prayer books, articles of faith, charities, and had begun efforts to develop theology with the same sense of system as the Christians.7 Indeed, the necessity to justify oneself in the language of the new reality is probably one reason why the old reality must lose the contest.

Epochal discourse subverts that which precedes it in three ways: it subsumes earlier symbols, contradicts them or simply allows them to vanish. Illustrations of this characteristic of epochal discourse are provided in the larger study.

We will now examine the relationship between epochal discourse and tensional field.

I have asserted that history as lived experience is the tensional field from which a culture's symbolism emerges. By "tensional field," I mean a sphere of experience in which the human individual or collectivity feel "exigence," "constraints," and are conscious of themselves as audience or speaker. It is clear from this conception that I am indebted to Professor Bitzer's delineation of the rhetorical situation.8 While I think his view is entirely adequate for the discussion of ordinary discourse, I would modify it in order to discuss epochal discourse.

Most rhetorical situations can usefully be seen as homeostatic, after the model of the Bitzer essay. Things go along, something happens creating an exigence demanding address, someone rises, provides a fitting response and the exigence dissipates or the social energies needed to deal with it are aroused. Or, perhaps the exigence is never adequately addressed and what could have been a "finest hour"vanishes. Not all discourse, however, is concerned with the immediate, practical situations which the Bitzer model envisions. Indeed, if it is true that the first genre of public speech was epideictic, a celebration of life in the midst of death, it was concerned with a transcendant situation which, as long as history lasts, never dissipates and in principle cannot. It would seem, then, appropriate to say that the immediate pragmatic situations of ordinary discourse participate in the ultimate rhetorical situation, which is the tension of life toward its ground--that is toward the mystery which precedes and follows it.

In making this claim I have done two things. First, I have extended the horizon of the rhetorical situation by pointing to a larger sphere of meaning not explicitly mentioned by the Bitzer model but which surrounds the sphere of discourse which is its focus. Second, I have made one modest, but significant amendment to "the rhetorical situation" in so far as the model assumes homeostasis as the end of discourse until another exigence emerges.

The universal human awareness of life as emerging out of prior mystery and returning to ultimate mystery through death constitutes an exigence beyond the capacity of discourse to assuage. The unresolvable tension of the ultimate exigence radiates across the field of ordinary, pragmatic more or less resolvable rhetorical situations.

The tensional field constituted by the participation of every proximate exigence in the ultimate exigence of life against death is the point of origin of the "trail of symbols" which is human history as narratives of lived experience.[9] As Eric Voegelin puts it "The order of history emerges from the history of order." Examining the process whereby epochal discourse emerges from the tensional field of human experience and examining how this discourse develops and is finally transcended or transformed by other symbols of human esperience is the task of a rhetoric of history.

The Cosmological Epoch

The societies of the Ancient Middle East are aptly characterized as "cosmological "[11] because they explained existence through interlocking analogies of heaven and earth. For the ancient Egyptian or Sumerian, the astro-physical universe was patterned after the analogy of human society, human society in turn was patterned after the rhythms of the astro-physical universe. For the Ancient Middle East, reality was a community of beings in which similarity prevailed over difference. The resulting world picture was hierarchical, consubstantial, cyclical,and compact.

The societies of the Ancient Middle East were hierarchical in that they were organized according to a chain of beings stretching above and beneath it. The world picture was consubstantial in that underlying similarities could always overcome basic differences. The consubstantiality of all things can be seen in the mixed human-animal Egyptian and Sumerian deities, and even in the sharing of identity between god and god as is illustrated by such hyphenated deities as Sobek-Re or Amon-Re. The Ancient Middle Eastern world picture was compact in that they fused spheres of reality we distinguish, i.e. the world of humans and the world of nature. For the ancients there was only the whole of God and man, world and society.[12]

Two observations need to be made of the cosmological style of symbolism. First, it was very durable; and second, it had a structural fault. The durability of the cosmological style can be seen readily. Egyptian civilization had a continuous history of over 3,000 years,as did the civilizations of the Tigris-Euphrates flood plain.[13] Classical Chinese Civilization had a continuous history of nearly 4,000 years.[14]. The structural problem in the cosmological style of symbolism is that the "beyond," or the mysterious "ground" from which we spring and to which we go, is not a thing in the world like other things.[15] That the Egyptian Pharaoh, the Sumerian Ensi, or the Chinese Emperor is not God, or even God's official representative will become apparent to even the most unreflective under certain circumstances. For instance, where does one look for justice when the central authority of the state no longer protects the individual against bandits? Where does one look for order when the cosmological ceremonies have been performed and the Nile does not rise as high this year, or, as in Sumer, the river changes its course making the dikes and ditches useless?

The Ancient Chinese coped with these matters by an elaborate theory of revolution in which "the mandate of heaven" would pass from the ruling house to the challenger.[16] The utility of their theory was the protection it afforded to the Chinese conception of order. By lending temporary sanction to chaos, the Chinese theory of revolution lessened the motive for rethinking the idea of order. Rather than allowing pragmatic events to cast doubt on the idea of cosmic order, the Chinese system limited speculation to which contender truly had the mandate of heaven. Though neither the Egyptians nor the Sumerians ever developed the relief valve theory of revolution of the Chinese, no more than in China did the symbols of Egypt and Babylon differentiate into a distinction between "this world" and the "beyond."

As the larger study argues, epochal change emerges not from innovations within conventional symbols, but from fresh confrontations with their source--with the ultimate exigence of life against death. From this confrontation, new symbols of personal and social order may evntuate. But not necessarily. As the two-hundred year First intermediate Period in Egypt shows, nothing may emerge at all, even if convention completely breaks down and conditions seem favorable to revolutionary change.17

Israelite And Hellenic Order

The first revolutionary is Moses. Moses' declaration that Israel and not Pharaoh was the son of God, and his leading of his people in an exodus, marks a fundamental change from the cosmological view of order. Following Voegelin's interpretation, one can say Moses inaugurated a "leap in being,"18 that is, he led his people out of the only understanding of what social and political life was and into a completely unprecedented alternative.

Exodus,then, is not an event within history, it is an event which constitutes history. The Exodus divides the flow of time into a "before and after" of meaning. While the larger study examines symbols which the Hebrews borrowed from Egypt, the essential Mosaic insight into a God who calls is not merely an adaptation to special circumstances of an Egyptian symbol. If Pharaoh is not the Son of God, and Israel is, then the Egyptian gods are at best non-entities and the Egyptian state is without foundation. What ultimately,then,is real, is "no thing" in this world, but the mysterious call of Yaweh who, apropos of nothing, creates a people whose very being is a revolution in personal, social,and historical order.19

The Israelite contribution to the differentiation of consciousness from the compactness of myth to more articulate expression is decisive. Before Moses human understanding moved within the symbolism of a community of being so intmate as to be "consubstantial." The Israelite differentiation of consciousness consists in this: the distinction between a de-divinized world and a divine "beyond." Once the insight has occurred, its differentiating work cannot be undone. Nearly one thousand years after the initial event, an Isaiah, struggling to recall the people of Israel to their reason for being can refer to the substantial,massively present gods of Israel's neighbors as "elilim,"--nothingnesses.20

In articulating his insight and in acting in obedience to it, what Moses did was make a new order paradigmatically available.21 With the insight that the true order of being is not Pharaoh, or even his father Ra, and not the cosmological state, but a presence which perpetually calls humanity to transcend every nameable thing, but which itself is never nameable in a final way, the universal audience gains its first positive symbol. With the discovery of the "fatherhood" of the one God, who is also the God of the Egyptians, comes the discovery of the family of man--of the essential community and relatedness of all human beings everywhere.22

Greek philosophy marks the advent of another differentiated insight. 126

The Israelite and the Greek insights are parallel and complementary. The insights of Israel and Hellas are parallel in that they both distinguish a de-divinized world from a divine beyond. They are complementary in that they both provide language symbols to articulate the two spheres of reality that are distinguished. In the Israelite differentiation, the world is left open for exploration by science and philosophy, although Hebraic thought did not actually move in this direction.[23] As the Greek philosophers actually began philosophic and scientific investigation of the de-divinized world, their insight is the more articulate of the two.[24]

For the divine beyond, the Greek philosophers provide symbols such as "cosmos,"(well ordered whole),"apeiron,"(the unbounded), and "epekeina," (the beyond). Among the symbols to articulate the meaning of the differentiating events for mundane existence are "episteme," "nous," and "theoria."[25] Indeed, the very term "philosophy " designates the epochal discovery of the love of wisdom as the source of order for the individual in quest of transcendent perfection. Plato's proclamation in the Laws of the age of the third god, "Nous," as the culmination of the previous ages of Cronos and Zeus, identifies reason as the ordering center common to the individual, society, and the cosmos.[26]

While volumes have been written on the differences between Jerusalem and Athens,[27] an important identity needs emphasis, especially if we are to grasp the significance of epochal insight for an understanding of the universal audience. Neither the servants of Yaweh nor the lovers of wisdom have power in and of themselves. Both obey. Neither command. In its early stages, if Israel succeeded, it was because Yaweh was its God.[28] If the Greek philosopher discovered something, it was because a love of wisdom disturbed his satisfaction with convention.[29] Neither Yaweh nor philosophy thus, are posessions forever, let alone occasions for contentment.

Once the power of the new symbols is established, however, speakers who have not submitted to their discipline are quick to claim their sanction. Even as false prophets appear in Israel to reverse the meaning of exodus, no sooner does philosophy appear in Hellas than its symbols are seized by those who have no love of wisdom, but who love to win at argument.[30] Eristic may have many forms, but only one center--the egoistic self bent on the domination of others. Callicles' question to Chaerephon in Gorgias,"...is Socrates in earnest...or is he joking." cannot be resolved, but neither can it be definitively refused.[31] Like the reality of Moses' Yaweh, the seriousness of Socrates can only be known by an act of trust.

Rhetorical Epochs And The Universal Audience

While the universal audience is implicit in the symbolism of pre-philosophic myth, it awaits the differentiating insight of the Hebrew prophets and the Greek philosophers for its positive articulation. The Hebraic and Hellenic symbols reveal the following characteristics of the universal audience.

Nature of the Universal Audience

1. That the universal audience is one. On this point the Hebrew prophets and the Greek philosophers are adamant. Referring to the principle behind all things Aristotle says "...but the world refuses to be governed badly " and cites from the Iliad " 'The rule of many is not good; one ruler let there be.' "[32]

2. *That the universal audience is a human construction of a supreme reality*. Once the distinction between "the world" and the "beyond" is made, the phenomenal world is no longer seen as the supreme reality. Once Parmenides discovered "The Way of Truth," the world of everyday, while no less real, was no longer ultimate and then appeared as "The Way of Error."33
3. *That the universal audience embodies the basis for authentic human community*. The insights that provide the universal audience its positive symbols reveal the core of our specific, common humanity as transcendent movement toward a beyond nameable in language but never exhaustible by it. Discovery of the universal "beyond" entails the discovery of ones fellow humans as partners in its quest.34

Function of the Universal Audience

1. *That the universal audience provides insight into the standard for personal, social,and historical existence*. As the exhortations of the Hebrew prophets and the Socrates of the dialogues make clear personal gain or pleasure or political expedience or success are not the final measure for personal and social existence. Israel and Hellas are alike resolved that peoples in history stand under a higher judgment.35

Knowledge of the Universal Audience

1. *That the universal audience is known through a manifold of culturally and historically relative symbols*. As transcendent movement toward the "beyond" can occur under many language symbols,the universal audience is never the exclusive property of any historical or linguistic community. Eric Voegelin points out that consciousness moves from the compactness of myth to differentiated insight. His comment is based on Aristotle's observation in the *Metaphysics* that the lovers of myth were also lovers of wisdom.36
2. *That the universal audience is known through surrender to the wonder which prompts philosophic questioning and trust in the order which the questions articulate*. In *Theatetus* Socrates observes "...wonder is the mark of the philosopher. Philosophy indeed has no other origin...."37 Aristotle begins the *Metaphysics* "All men by nature desire to know."38 Support for this statement also comes from the paradox of Socrates being wisest of the Greeks yet having only a knowledge of ignorance. A parallel observation is the Hebraic insight "The fear of the Lord is the beginning of wisdom."39

Two final questions remain to be addressed. First, what is the relationship of epochal discourse and the universal audience? And second, what are the implications of the universal audience for our conceptions of reason?

As the characterization I have presented should indicate, my view of the universal audience is not the same as Perelman's. While I agree with Perelman that conceptions of the universal audience vary with time and place, the epochs we have examined in this essay reveal the universal audience to be singular. Perelman's "universal audience" seems not to be singular at all, but to be a plurality of idealized audiences held by particular historical figures. He says "We could easily show that this so-called 'universal audience' varies with the epoch and with the person: each creates its own idea of the universal audience."[40] In contrast to Perelman's succession of historical audiences, the universal audience revealed by the epochal events we have examined, transcends time, place, and culture. While indeed, "I Am," and "epekeina" are cultural symbols supplied by concrete individuals at some particular time and place, the intense encounter of life against death which precipitated them is universal and timeless. The necessary cultural particularity of an insight in no way impugns its universally paradigmatic value. While all versions of the universal audience are equally real, not all versions of the universal audience are equally articulate. The inadequacy of Perelman's conception is that it provides no basis for distinguishing more from less articulate versions of the universal audience.

The relationship of epochal discourse to universal audience can now be answered directly. Not every epoch offers fresh insight into the universal audience. Darwin's Origin of Species, for example, definitely marks an epoch in biological and social thought. Social Darwinism became a fashionable symbol in which a scientistically revised universal audience sanctioned the aggressive designs of European nations and the United States on peoples less able to defend themselves.

Hegel and Marx both signal epochs in thought. Both, however, explicitly sought to abolish the universal audience. Hegel sought to replace the transcendence of the universal audience with the immanence of his own system. Marx's effort was to substitute the beyond of the universal audience with the "later on" of the revolution.[41] Intellectually important as Darwinism, Hegelianism, and Marxism are, with respect to the universal audience, they each serve as examples of how morally less articulate versions of reality seek to silence the more articulate standard which would expose their will to power.[42]

The implication of this analysis for our conception of reason can be put succinctly. Reason can take many forms. DeSade, Hegel, Marx, Nietzsche, Moses, and Socrates are alike all reasoners. The vital issue, however, for an understanding of reason in history and of the consciousness of epoch which it entails, is what is to be the controling center of reason? The epochal symbols we have analyzed reveal the power of reason when it surrenders in wonder to the final mystery of life against death. Out of confrontation with the ultimate rhetorical situation Hellas provided the differentiating insight into reason as the source of order for the individual and society. The parallel insight of Israel joined with the Hellenic symbols to provide the vision of the highest forum human thought has yet discerned.

That the unifying vision of the universal audience is historically available, does not guarantee that it will now be historically effective. If the epochal insights into the order of reason in personal and social existence are to be effective, the symbols embodying them must reorder the lives of concrete individuals. When the symbols of reason fall into the hands of those who have an order of their own, "reason" may become a precision instrument for personal or mass coercion.

What happens to reason in history when epochal symbols are improved upon by those who seek to control ultimate questions rather than surrender to them is well set forth in the interview between the Grand Inquisitor and Christ in Dostoyevsky's The Brother's Karmazov. Disillusioned by the inefficiency and disorder of a world in which persons are free to choose good from evil, the Grand Inquisitor seeks to force history to the culmination his private view of the universal audience has made to seem fitting. To paraphrase Camus, the unity of the world not achieved by the transcendent vision of the universal audience will now be attempted in defiance of it.43

Conclusion

In this essay I have attempted to provide a genuinely rhetorical way of describing history. I began with the observations of Basil Willey on the variable nature of explanation and coupled with them the insight of Eric Voegelin into "epoch" as an event which divides the flow of time into a before and after. I then provided a view of history divided into "rhetorical epochs," each characterized by the "strategic, stylized symbols" of "epochal discourse." The way in which epochal discourse "subsumes," "contradicts," or causes earlier symbols to "disappear," was but mentioned here and is examined in more detail in the larger essay of which this is an exerpt. To Bitzer's conception of the rhetorical situation, I added the idea of "tensional field" --the ultimate exigence of life against death. I argue that the tensional field of the ultimate exigence radiates across the field of ordinary rhetorical exigencies which come and go. When persons become acutely aware of the tension of life against death behind the ordinary rhetorical exigencies of everyday, a new epoch may or may not eventuate.

I provide an abbreviated description of "the cosmological epoch" whose symbols were the framework of self-understanding of the peoples of the Ancient Middle East and of Ancient China. The analysis of the structural weakness of the cosmological style explains why there should be epochal insights at all. In "Israelite And Hellenic Order" I point out how the epoch-making symbols erupted along the fault lines of the old,resulting in a de-divinized world and a divine beyond. The discovery of a world-transcendent beyond entails the perception of a "universal audience" in light of which humankind is revealed as a unity rather than a plurality of separate humankinds each with its own constituitive symbols.

The closing section of the essay distinguishes Perelman's succession of idealized universal audiences from my own view, that the universal audience is indeed one, and transcends time, place, and culture. The essay concludes with a discussion of the implications of epochal events for the understanding of universal audience. Here I claim that not every epoch offers fresh insight into the universal audience and that some in fact are denials of it.

Endnotes

[1] Basil Willey, The Seventeenth Century Backgound: Studies in the Thought of the Age in Relation to Poetry and Religion, (Garden City, New York: Doubleday Anchor Books, Doubleday and Co, Inc., 1953), p.12.

[2] Karl Marx, "Theses On Feuerbach," in Robert C. Tucker, ed. The Marx-Engels Reader, (New York: W.W. Norton & Co, Inc., 1978), p.145., Thesis 11.

[3] Kenneth Burke, The Philosophy of Literary Form, (Berkeley, Los Angeles, London: University of California Press, Ltd. London, England., 1973), p.1.

[4] Wayne Booth, "Keynote Address," Third Biennial Meeting, International Society For The History of Rhetoric, Madison, Wisconsin, April 12, 1981.

[5] Lewis Mumford, The City in History, (Harmondsworth, Middlesex, England: Penguin Books, Ltd., 1961), p.15

[6] Eric Voegelin, Israel and Revelation, Vol. 1.: Order and History, (Baton Rouge: Louisiana State Press, 1956), p.13.

[7] C.S. Lewis, The Discarded Image, (Cambridge: Cambridge University Press., 1964), p.48. Paul Johnson, A History of Christianity, (Harmondsworth, Middlesex, England: Penguin Books, Ltd., 1978), p.75.

[8] Lloyd F. Bitzer, "The Rhetorical Situation," Philosophy and Rhetoric, 1 (Winter 1968), 1-14.

[9] Voegelin's most complete statement of the problem of symbolism across time and culture is to be found in:Eric Voegelin, The Ecumenic Age, Vol. 4: Order and History, (Baton Rouge: Louisiana State University Press, 1974), pp.1-58. See also Israel and Revelation, "Part Three: History and The Trail of Symbols" esp.pp.185-187 .

[10] Israel and Revelation, p. IX.

[11] Ibid, pp.1-11. Indeed, the entire discussion of Part 1 "The Cosmological Order of the Ancient Near East," pp.13-110. See also Heri Frankfort, et al., The Intellectual Adventure of Ancient Man, (Chicago & London: The University of Chicago Press, 1977)pp. 3-26, 125-183. Mircea Eliade, Cosmos and History,

(New York: Harper & Row, Inc., 1959), pp.6-27., Carmen Blacker & Michael Loewe, eds. Ancient Cosmologies, (London: George Allen & Unwin Ltd., 1975), pp.36,37,46-50., R.T. Rundle Clark, Myth And Symbol In Ancient Egypt, (London: Thames & Hudson, Ltd., 1978), pp.35-67.

[12] Ibid.

[13] William H. McNeil, The Rise of The West: A History of The Human Community, (New York: Mentor Books, 1963), pp.49,76,94-98, 152-155, 160., A. Rosalie David, The Egyptian Kingdoms, (New York: E.P. Dutton & Co. Inc., 1975), p.8., Robert J. Wenke, Patterns in Prehistory, (Oxford: Oxford University Press, Inc., 1980), pp.407-423.

[14] The Ecumenic Age, pp.274-278.

[15] Ibid, pp.75-78.

[16] H.G. Creel, Chinese Thought From Confucius to Mao Tse-tung, (New York: Mentor Books, 1953), p.23.

[17] The Egyptian Kingdoms, pp. 16-18. John A. Wilson, The Culture of Ancient Egypt, (Chicago & London: The University of Chicago Press, Ltd., 1956), pp.122-124. Wilson puts the outcome of this period at its most positive. My point is that even though certain changes within the symbols took place, no new experience of order emerged. The implication of the First Intermediate period for the problem of order is summarized by Voegelin in The Ecumenic Age, pp.92-96.

[18] Israel and Revelation, pp.423,424. The World of The Polis, Order & History,V.2 p.3

[19] Ibid. pp.415-427.

[20] The Intellectual Life of Ancient Man, p.236.

[21] Israel and Revelation, p.397.

[22] Ibid., pp.402-427., The Ecumenic Age, p.97.

[23] Israel and Revelation, pp.6, 13, 439, for why the development of philosophy did not take place in Israel see, 240, 495., The World of The Polis, pp. 22-24.

[24] *Israel and Revelation*, p.240.

[25] Eric Voegelin, *Anamnesis*, (Notre Dame &London: University of Notre Dame Press, 1978), pp.89-115., *The World of The Polis*, pp. 165-183,203-242., *Plato and Aristotle*, V.3: *Order and History*, e.g. 118-123., indeed, the entire volume is a study in the meaning of Plato's and Aristotle's philosophic symbols for the understanding of personal,social and historical order.

[26] Ibid. pp. 238,239.

[27] Lev Shestov, *Athens and Jerusalem*, Bernard Martin, trans., (Athens, Ohio: Ohio University Press, 1966),.

[28] Psalm 20:7-8., "Some boast of chariots, and some of horses; but we boast of the name of Yaweh, our God. They will collapse and fall; but we shall rise and stand upright.", Isaiah 31:1.,"Woe to those who go down to Egypt for help and rely on horses, who trust in chariots because they are many, and in horsemen because they are very strong, but do not look the the Holy One of Israel."

[29] *Anamnesis*, pp. 91-103, 148

[30] See discussion of *Gorgias* in *Plato and Aristotle*, esp. 25, 31, 37.

[31] Plato, *Gorgias* 481^b. *Plato:The Collected Dialogues*, Edith Hamilton & Huntington Cairns, eds., (Princeton, New Jersey: Princeton University Press, 1973).

[32] Aristotle, *Metaphysics* 1076^a . *The Basic Works of Aristotle*, Richard McKeon, ed., (New York: Random House, 1941).

[33] *The World of The Polis*, pp. 217-219. Alexander P.D. Mourelatos, *The Route of Parmenides*, (New Haven & London: Yale University Press, 1970), pp. 135, 191-193, esp. "The Goddess and Her Double Audience," pp.225-228.

[34] *The Ecumenic Age*, pp. 6, 97-98. *The World of The Polis*, pp. 10, 12, 23, 24., *Anamnesis*, p. 104, 150., *Plato and Aristotle*, p. 267.

[35] *Israel and Revelation*, esp. 463-465. *Plato and Aristotle*, pp. 178, 198, 265-268.

[36] *The World of The Polis*, p.1,. Aristotle, *Metaphysics* 982^b 15.

[37] Plato, Theatetus, 155^{d}. Plato: The Collected Dialogues,.

[38] Aristotle, Metaphysics, 980^{a} 1. The Basic Works of Aristotle,.

[39] The Ecumenic Age, p.52.

[40] Ch. Perelman and L. Olbrechts-Tyteca,"Act and Person in Argument," William Sacksteder, trans., in Philosophy, Rhetoric, and Argumentation, Maurice Natanson and Henry W. Johnstone, Jr. eds., (University Park, Pennsylvania: The Pennsylvania State University Press, 1965), p.103.

[41] Anamnesis, pp. 108-111, The Ecumenic Age, 7, 57, 64, 66, 173, 193, 253-254, 261-265, Eric Voegelin, The New Science of Politics, (Chicago & London: The University of Chicago Press, Ltd., 1952), pp.111,112., Albert Camus, The Rebel, (New York: Vintage Books,1956), p.78.

[42] The Ecumenic Age, p.306., The New Science of Politics, p.127., Eric Voegelin, From Enlightenment To Revolution, (Durham, North Carolina: Duke University Press, 1975), esp. pp. 242-258., Eric Voegelin, Science, Politics and Gnosticism, (South Bend, Indiana: Gateway Editions, Ltd., 1968), pp.23-28, 35, 40-45., The Rebel, "...the revolutionaries of the twentieth century have borrowed from Hegel the weapons with which they definitively destroyed the formal principles of virtue. All they have preserved is the vision of a history without any kind of transcendence, dedicated to perpetual strife and to the struggle of wills bent on seizing power." p. 135.

[43] The Rebel, p.61.

GOOD REASONS: FIELDS AND GENRE

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Just as our moderator, Tom Farrell, revised the title that I proposed for this paper, I would like to revise his, and I hope with equal benefit. Rather than explore "Field-Dependent Conceptions of 'Reasonableness,'" I prefer to ruminate about field-dependent conceptions of reason. I make this modification because reasonableness is, for me, the social aspect of rationality, implying only the most elementary degree of reason--a willingness to offer reasons to support claims and a toleration of others who advance reasons to uphold their views even when there is an irresolvable difference between arguers.[1] Reasonableness, I would allow, can also refer to a tenable argument, that is, one that does not violate the norms of meaningfulness in a given context, one that is plausible enough that it is worthy of consideration, one that may serve to promote a useful idea. Willard's contention that argument should be construed as a kind of social interaction is of this sort.[2] It is meaningful, plausible, and may be useful--given, of course, if it is reconceived in light of what is to be said in this paper.

My assumption is that our interest goes beyond the merely meaningful, plausible, potentially useful argument. It concerns the constitution of reason through argument in different contexts, in different times and places. And more than this, it concerns the forms, substances, and functions of good reasons, perhaps even what may be conceived as the best reasons at different moments and in different environments. To pose the problem this way implies that the task before us is to identify the variables that must be referenced in establishing any given field of argument, be it cultural, public, personal, social, scientific, philosophical, legal, historical, religious, policy, or whatever.[3] And to formulate the problem in this way suggests to me that the solution lies in the method of genre construction. My purpose, then, is not to characterize any particular field of argument but to indicate necessary considerations in such characterizations.

There are, of course, other ways in which the problem of fields of argument and good reasons can be addressed. Perelman and Olbrechts-Tyteca, for instance, propose a kind of historical-sociological study to focus on conceptions of the "universal audience." They write: "Each individual, each culture, has ... its own conception of the universal audience. The study of these variations would be very instructive, as we would learn from it what men at different times in history, have regarded as real, true, and objectively valid."[4] While this approach would show the nature of good reasons over time, it would not clarify the dimensions of fields of argument.

A related project is that of John Campbell. He relies on a fundamental idea from Basil Willey and the entire corpus of Eric Vogelin's work. The idea from Willey is exactly parallel with Perelman's concept of the "universal audience." The key to a culture's presuppositions, for Willey, is "explanation," which he "roughly" defines "as a restatement of something--event, theory, doctrine, etc.--in terms of the current interests and assumptions. It satisfies, as explanation, because it appeals to that particular set of assumptions, as superceding those of a past age or a former state of mind." From this view, it seems to me, what counts as good reasons in any time or place must be in accord with what is taken as at least an adequate explanation of things. Willey goes on to observe that "An explanation commands our assent with immediate authority, when it presupposes the 'reality', the 'truth', of what seems to us most real, most true."[5] One might propose, then, that a culture's conception of the "universal audience" is a function of its notion of ultimate explanation. The construction of these entities is not only bound by culture, they are also restricted by time, as a culture moves from one or more modes of explanation to another or others. As Perelman notes, "good reasons are always relative to an audience which appreciates them as such."[6]

I shall not attempt to delineate Campbell's debt to Vogelin, because he has already done that in his paper for this panel and because he will have a review essay in QJS soon which will survey Vogelin's various writings. Besides, it is beyond my competence to explicate Vogelin. Campbell's contribution, I think, lies in his identification of a specific genre that embodies a culture's conception of a "universal audience" and its notion of ultimate explanation. "Epochal discourse," he maintains, "constitutes a new reality, a new model of ultimate explanation."[7] His consideration of concrete examples is instructive and his method provides us with a history of rhetoric which is truly rhetorical. Epochal discourse would seem to establish the grounds for good reasons in a particular time and place, and in itself to represent the best reasons a culture has produced--for that moment. Put another way: epochal discourse appears to be an archetypal form of what I call the rhetoric of affirmation.[8]

Another provocative line of inquiry that impinges on fields of argument and good reasons is that of Tom Farrell. Building on his formulation of "social knowledge"--"conceptions of symbolic relationships among problems, persons, interests, and actions, which imply (when accepted) certain notions of preferable public behavior"[9]--Farrell has now explored "Knowledge in Time."[10] While his focus is "rhetorical form," what he has to say is significant in regard to constituents of good reasons. Where Perelman points us to conceptions of "universal audiences," Willey to ultimate explanations, Campbell to epochal discourse, Farrell draws our attention to "authority," a construct that incorporates considerations of ethos, rhetorical roles, legitimacy, and ideology. Like social knowledge, authority is emergent, audience-dependent, relies on attributed consensus, and has normative impact.

Social knowledge and authority are obviously related to good reasons. Reasons are thought to be good when they are expressed by persons who have ethos, who act in accord with appropriate, credible roles, when they are founded on legitimate authority, and are anchored in prevailing ideology. Good reasons are bounded by time, place, and audience, reflect and promote consensus, and are normative. Where Campbell's theory leads to an examination of discourse that marks a moment that differentiates the present from the past and projects a future, Farrell's construct impels a careful scrutiny of discourse between such moments. He would have us study discourse as it is emergent, as it anticipates and attempts to co-opt "forthcoming resistances, discursive and otherwise (i.e., apocalypic events)."[11] Epochal discourse proclaims a culture's sense of reason at a particular time; it constrains the discourse that follows it until such time as a new epochal statement appears, a new universal audience is constituted, a new ultimate explanation is posited, and new grounds for good reasons are set forth. In short, social knowledge is expressed in terms of good reasons.

The same may be said of what Bitzer calls "public knowledge." The constituents of public knowledge include "principles of public life to which we submit as conditions which embody our common goals and virtues; our constitutions, laws, and rules, definitions and conceptual systems; truths expressed in literatures of poetry, criticism, philosophy, aesthetics, politics, and science; the accumulated wisdom proffered by our cultural pasts; and, to these, we add the personal facts of our public life."[12] It is to be noted that although values are listed as a separate item in this catalog, there is no instance of public knowledge without normative force, that is, there is no item that is not rhetorical in nature and function. The difficulty with the list in our current project--to discern the ingredients of fields of argument and good reasons--is that it is too abstract. The concept of public knowledge puts me in mind of Booth's observation: "The repertory of good reasons could never be constructed by any one person, since it would include all good discourse about the grounds of valid discourse in any subject."[13] While I believe this statement to be true, I also think that one must have a specific plan of attack, a systematic way to examine particular rhetorical enterprises that lead to formulations that recognize those attributes that are constant from one to another, and those that vary.

More precise directions for our inquiry are suggested by Wallace's "The Substance of Rhetoric: Good Reasons"[14] and the work of Eubanks and Baker. I have in mind their essay, "Toward an Axiology of Rhetoric,"[15] and the chapter in Speech in Personal and Public Affairs titled "Speech as a Civilizing Force."[16] But even these writings leave out what we are primarily interested in--the form of good reasons as determined by specific fields of argument.

So far I have examined ideas that largely concern the location and general characteristics of fields and good reasons; the focus has been macroscopic. I now move to a microscopic analysis, an attempt to identify the variables that mark the nature of given fields and the good reasons to be found in them. My approach is influenced but not set by the writings of Toulmin,[17] Toulmin, Rieke, and Janik,[18] Willard,[19] McKerrow,[20] Wenzel,[21] and Gronbeck.[22] If I had had an opportunity to read them before this Conference, I am sure that I would have been moved to modify my observations by Gronbeck's socio-cultural approach, Willard's Cartesian meditation, Klumpp's dramatistic view, and Kneupper's[23] social constructivist perspective. As indicated earlier, I shall take a generic approach, that is, I shall consider fields of argument as categories of discourse and try to specify the necessary considerations in constructing them.[24] My assumption here is that the process is at base an inductive one.

To begin. A field of argument cannot be characterized usefully without a conception of the structure of argument as product, whether viewed as induction and deduction; cause, sign, definition, example, analogy, and authority; data, warrant, backing, reservation, and claim; or reasoning by association and dissociation. The determination of the structure of argument cannot be the province of naive actors. The nature of argument as product is a philosophical matter. How the structures of argument are informed by actors, naive or otherwise, and the ways in which arguers conduct themselves can benefit from empirical observation--so long as it is recognized that what is sought is not only descriptive but also normative data. Such data are necessary to characterize fields of argument and the specific nature of good reasons, which are the vehicles of argument as product and as process. This, then, is the first step in establishing a field of argument: settling on a philosophically defensible concept of the structure of argument.[25]

In taking this step, Aristotle "invented" argument. What is more, he "invented" fields of argument. He did this by taking a second step: settling on the broad categories into which argumentative discourse can be organized: scientific, dialectical, and rhetorical. Here again, the determination of the classifications is philosophical, not merely descriptive, that is, the categories are created by an act of intellection that is inspired by the mind's capacity to discern fundamental similarities and differences, and by intuition. The structure of argument is the same in each field. The difference between scientific argument, on the one hand, and dialectical and rhetorical argument, on the other hand, lies in the degree of certainty and subject matter in the different fields. In science, arguments can be apodeictic; in dialectic and rhetoric, arguments are contingent and probable. The differentiation between dialectic and rhetoric was made essentially on the basis that dialectic concerns theoretical matters and involves trained thinkers and rhetoric requires ethical and emotional arguments as well as logical ones. This is not to say that ethical and emotional arguments do not occur in scientific and dialectical communication, only that they are philosophically inappropriate in such discourse.

The third step was to differentiate the fields of rhetorical argument into forensic, deliberative, and epideictic. The method used to construct these categories was to essentialize, not merely describe, specific examples in the three forums: courtroom, assembly, and ceremonial meeting places. Thus, forensic discourse concerned arguments about past actions and guilt and innocence; good reasons depended on knowledge of the laws and justice and injustice. Deliberative discourse treated future actions, expedience and wisdom; in this arena, good reasons were founded on knowledge of governments, political issues, and happiness. Epideictic discourse dealt with present decisions of praise and blame; in this field, good reasons were a function of knowledge about virtue and vice.

Several important points are to be noted here. The categories of discourse and fields of argument are created by a philosophical, inductive process which produces genre. Good reasons are in turn constituted by being appropriate to the genre and dependent on the knowledge indigenous to the given field. As Aristotle observes: "it is the mark of an educated man to look for precision in each class of things just so far as the nature of the subject admits; it is evidently equally foolish to expect probable reasoning from a mathematician and to demand from a rhetorician scientific proof."[26] In other words, good reasons display an arguer's rationality, by which I mean field dependent competence. The genres are not discrete entities. It is possible to find attributes of one genre existing in others--in the real world. The idea of discovering mutually exclusive fields of argument is an illusion. The best that can be hoped for is a useful set of generalizations about different modes of arguing, characteristics of forums, themes, inference, rationality, and norms of performance.

Before leaving Aristotle, I would like to make two observations. First, when I left graduate school in 1960, it was more than fashionable to begin every scholarly endeavor by referring to Aristotle. Within five years, the fad was only to mention him to point out how wrong he was. The truly avant-garde scholars did not mention him at all. And there were some scholars who were clever enough to play the game both ways. I remember a lecture that Edwin Black gave on rhetorical criticism in 1966 in which he began by saying something to the effect that he had always wanted to give a presentation without mentioning Aristotle and then went on to apologize for mentiong him. It seems at this point in the history of the revival of rhetoric we can either call on Aristotle or not, depending on his relevance to the task at hand. There is no question in my mind that, in regard to building fields of argument and considering the nature of good reasons, Aristotle is highly relevant.

Second, as relevant as Aristotle is to our interest, there are omissions in his work, other variables that we should consider. One of these omissions need not detain us. It concerns argument in poetic forms, such as drama, literature, and film. I would just mention that Richard Filloy and I have begun to explore this problem in line with an essay by Richard McKeon, "Symbols, Myths, and Argument."[27] Our work, a chapter in Advances in Argumentation Theory and Research, will appear next year. It is an attempt to delineate the structure of aesthetic proof through a critical examination of "Death of a Salesman" and The Great Gatsby and relate it to good reasons.[28]

Beyond settling on the structure of argument, the general category of discourse to which a particular argument belongs, and the specific forum in which an argument occurs, it is necessary to discern the nature of the situation in which an arguer is acting.[29] This step involves determining the arguer's motive, whether affirmation, reaffirmation, purification, or subversion.[30] The character of good reasons varies with the arguer's intent. Strategies and tactics of argument are dependent on whether the arguer advances a "new" proposal, reaffirms an "old" one, wants to correct a misperception or interpretation, or seeks to undermine or to refute a position. If one wants illustration of this point, one may usefully compare and contrast the arguments from one of Richard Nixon's typical campaign speeches in which he affirms his legitimacy as a candidate, his reaffirmation of the Viet Nam policy in the November 3, 1969 address, his attempts at purification in the "Checkers Speech" or one of his Watergate addresses, and his subversion of the anti-war movement, what he implied was a "loud minority."

Regardless of motive, good reasons will be grounded on values held by a relevant audience. This is clear. What is not so well recognized is that good reasons are anchored to the underlying values that define specific situations. I tried to make this point in characterizing the rhetoric of affirmation, arguing that archetypal discourse of this genre would reflect the metaphysical assumptions of different kinds of situations.[31] For instance, in a democratic situation, affirmative discourse would recognize that the authority of the participants was paramount, that human beings are fallible, and political decisions are not absolute--as in Benjamin Franklin's argument on behalf of the Constitution. In an autocratic situation, decisions are made by a monarch, dictator, executive, or general. Arguments in a monolithic system are persuasive insofar as they energize the truth as proclaimed by the leader. In an academic situation, successful affirmations are made on philosophical grounds--as in Ralph Waldo Emerson's construction of the "American Scholar." What I did not recognize when I wrote "A Motive View of Communication" was that the same principle holds for reaffirmation, purification, and subversion--reasons are good not only as a function of a relevant audience seeing them as such, but also because they incorporate values that arise out of the audience. From this view, good reasons are more than persuasive. They are legitimating. They confirm the participants in an argumentative community and the community itself.

Good reasons, then, are not only appropriate and competent, they are also constitutive of rational enterprises. As an example, we may take a quick look at science, with J. Bronowski as our guide. He observed that "The society of scientists is simple because it has a directing purpose: to explore the truth." In order for truth to emerge, he wrote, scientists had to be independent and tolerant of one another. "From these basic conditions, which form the prime values," he held that there followed "a range of values: dissent, freedom of thought and speech, justice, honor, human dignity and self-respect."[32] If this is an accurate representation of science, at least when science realizes its telos, one may expect that exemplary scientific discourse will be predicated on these values. Certainly that of Bronowski is so.

The fifth and final step in constituting a field of argument and considering the nature of good reasons has already been suggested: to characterize the audience in the particular environment. There are several ways to go about this task. One way is to determine the credentials for credibility and rationality of the participants. Another way is to analyze the dimensions of the community's knowledge, whether technical, social, or public. Another way is to note the functions participants are expected to perform, especially the kinds of judgments that they are required to make. Whatever the mode of investigation, it should be clear that the focal point should be values. Values inform the facts and reasons of discourse, serve as reasons in and of themselves, and determine persuasiveness.

In summarizing these remarks, it may be best to propose several questions for the person interested in building genres of argument. These questions, it should be noted, are related to elements of a communication model, specifically Burke's dramatistic pentad.[33] With the act of argument as the focal point, one should consider in respect to agency: what is the structure of argument that will direct the investigation? What is the discourse form that characterizes the field? What are its typical themes and issues? What are the usual inferential moves made by the arguers? In regard to actors, one should ask: what are the credentials necessary for arguers to have ethos in the field? What are the requirements for rational participation in the field? What are the characteristic roles that arguers must play? In regard to scene, one should inquire: what is the nature of the situations in which arguments take place? What is the nature of the knowledge on which the field rests? In respect to purpose, one should contemplate: what are the motives that impel arguers? What are their characteristic strategies and tactics in carrying out these motives? Needless to say, these questions are not meant to be answered in linear fashion. They are intended to be heuristic. Additionally, one should observe the rules of interaction, whether formal or informal, oral and/or written, mediated or not.

The result of answering these questions and making these observations would be more than the identification of characteristic patterns of reasoning. It would be a full representation of field-dependent argument as product and process. Such, I suspect, is what an understanding of fields of argument and good reasons ultimately demands.

Endnotes

[1] Walter R. Fisher, "Rationality and the Logic of Good Reasons," Philosophy and Rhetoric, 13 (Spring 1980), 122-125. The concept of good reasons used in this presentation is expressed in my essay "Toward a Logic of Good Reasons," The Quarterly Journal of Speech, 64 (December 1978), 376-84.

[2] See: Charles Arthur Willard, "A Reformulation of the Concept of Argument: The Constructivist/Interactionist Foundations of a Sociology of Argument," Journal of the American Forensic Association, 14 (Winter 1978). In this essay, Willard maintains that "The term 'argument' is construed ... as a species of interaction which is often, though not exclusively, productive of serial predicative speech. It is not a kind of reasoning so much as a kind of relationship into which people enter." (p. 125). See also: Charles Arthur Willard, "On the Utility of Descriptive Diagrams for the Analysis and Criticism of Arguments," Communication Monographs, 43 (November 1976), 308-319 and the reply to this essay: Brant R. Burleson, "On the Analysis and Criticism of Arguments: Some Theoretical and Methodological Considerations," Journal of the American Forensic Journal, 15 (Winter 1979), 137-147. My position is aptly stated by Brockriede. See: Wayne Brockriede, "Characteristics of Arguments and Arguing," Journal of the American Forensic Association, 13 (Winter 1977), 129. He writes: "Although persons can make arguments without engaging in the process of arguing, I do not see how they can argue without making arguments."

[3] Representative examples of fields of argument studies include: David Zarefsky, "Policy Argument: Fields as Institutions"; John Angus Campbell, "Historical Reason: Field as Consciousness"; Gerald T. Goodnight, "Lost Arguments: Fields as Fashions"; Richard Rieke, "Investigating Legal Argument as a Field"; Malcolm O. Sillars, "Investigating Religious Argument as a Field"; and J. Robert Cox, "Investigating Policy Argument as a Field." These essays were presented at this Conference. See also: Ray E. McKerrow, "Argument Communities: A Quest for Distinctions," in Proceedings of the Summer Conference on Argumentation, Jack Rhodes and Sara Newell, eds., (Falls Church, Va.: Speech Communication Association, 1980), pp. 214-227; and Charles Arthur Willard, "Argument Fields," in Advances in Argumentation Theory and Research, Charles A. Willard and J. Robert Cox, eds., (Carbondale, Ill.: Southern Illinois University Press, 1982), in press. The concept of field is elaborated and applied in Stephen Toulmin, Richard Rieke, and Allan Janik, An Introduction to Reasoning (New York: Macmillan Publishing Co., Inc. and London: Collier Macmillan Publishers, 1979).

[4] Ch. Perelman and L. Olbrechts-Tyteca, The New Rhetoric: A Treatise on Argumentation, John Wilkinson and Purcell Weaver, trans., (Notre Dame and London: University of Notre Dame Press, 1969), p. 33.

[5] Basil Willey, The Seventeenth Century Background: Studies in the Thought of the Age in Relation to Poetry and Religion (Garden City, New York: Doubleday Anchor Books, Doubleday and Company, Inc., 1953), pp. 12-13.

[6] Chaim Perelman, "The New Rhetoric," in The Prospect of Rhetoric, Lloyd F. Bitzer and Edwin Black, eds., (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1971), p. 118.

[7] Campbell, "Historical Reason."

[8] Walter R. Fisher, "A Motive View of Communication," The Quarterly Journal of Speech, LVI (April 1970), 131-139.

[9] Thomas B. Farrell, "Knowledge, Consensus, and Rhetorical Theory," The Quarterly Journal of Speech, 62 (February 1976), 4.

[10] Thomas B. Farrell, "Knowledge in Time: Toward an Extension of Form," in Advances in Argumentation Theory and Research, Charles A. Willard and J. Robert Cox, eds., (Carbondale, Ill.: Southern Illinois Press, 1982), in press.

[11] Ibid.

[12] Lloyd F. Bitzer, "Rhetoric and Public Knowledge," in Rhetoric, Philosophy, and Literature: An Exploration, Don M. Burks, ed., (West Lafayette, Ind.: Purdue University Press, 1978), p. 87.

[13] Wayne C. Booth, Modern Dogma and the Rhetoric of Assent (Notre Dame and London: University of Notre Dame Press, 1974), p. 143.

[14] Karl Wallace, "The Substance of Rhetoric: Good Reasons," The Quarterly Journal of Speech, XLIX (October 1963), 239-249.

[15] Ralph T. Eubanks and Virgil L. Baker, "Toward an Axiology of Rhetoric," The Quarterly Journal of Speech, 48 (April 1962), 157-168.

[16] Virgil L. Baker and Ralph T. Eubanks, Speech in Personal and Public Affairs (New York: D. McKay and Co., 1965).

[17] Toulmin, Uses of Argument.

[18] Toulmin, Rieke, and Janik, *Introduction*.

[19] Willard, "Argument Fields" and Charles Arthur Willard, "Some Questions about Toulmin's View of Argument Fields," in *Proceedings of the Summer Conference on Argumentation*, Jack Rhodes and Sara Newell, eds., (Falls Church, Va.: Speech Communication Association, 1980), pp. 348-400.

[20] Ray E. McKerrow, "On Fields and Rational Enterprises," *ibid*., pp. 401-413.

[21] Joseph W. Wenzel, "Perspectives on Argument," *ibid*., pp. 112-133.

[22] Bruce E. Gronbeck, "From 'Is' to 'Ought': Alternative Strategies," *Central States Speech Journal*, XIX (Spring 1968), 31-39.

[23] The following papers were presented at this conference: Bruce Gronbeck, "Socio-Cultural Approach to Argument Fields," Charles Willard, "Argument Fields: A Cartesian Meditation," James F. Klump, "On Fields as Sociological Concepts," Charles Kneupper, "Argument Fields: A Social Constructivist View," and Robert Rowland, "Fields of Argument."

[24] For a discussion of the nature of genre and its application in rhetorical criticism, see my essay: "Genre: Concepts and Applications in Rhetorical Criticism," *Western Journal of Speech Communication*, 44 (Fall 1980), 288-299.

[25] Toulmin, Rieke, and Janik, *Introduction*, p. 195.

[26] Aristotle, *Nicomachian Ethics* 1094^b 25. This quotation was taken from *The Basic Works of Aristotle*, Richard McKeon, ed., (New York: Random House, 1941).

[27] Richard McKeon, "Symbols, Myths, and Argument," in *Symbols and Values: An Initial Study*, Lyman Bryson, Louis Finklestein, R. M. MacIver, and Richard McKeon, eds., (New York and London: Harper and Brothers, 1954), pp. 13-38.

[28] Walter R. Fisher and Richard A. Filloy. "Argument in Drama and Literature," in *Advances in Argumentation Theory and Research*, Charles Arthur Willard and J. Robert Cox, eds., (Carbondale, Ill.: Southern Illinois Press, 1982), in press.

[29] Lloyd F. Bitzer, "The Rhetorical Situation," *Philosophy and Rhetoric*, 1 (Winter 1968), 1-14.

[30] Fisher, "A Motive View," pp. 132-139.

[31] *Ibid*., p. 133.

[32] J. Bronowski, *Science and Human Values* (rev. ed., New York, Evanston, San Francisco, and London: Perennial Library, Harper and Row, Publishers, 1965), p. 68.

[33] Kenneth Burke, *A Grammar of Motives and A Rhetoric of Motives* (Cleveland and New York: Meridian Books, The World Publishing Company, 1962), p. xvii.

INVESTIGATING POLICY ARGUMENT AS A FIELD

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> " ... a universe of discourse is always implied as the context in terms of which, or as the field within which, significant gestures or symbols do in fact have significance."
>
> G.H. Mead[1]

For one who would investigate public policy-making as a field of argument, two approaches present themselves: (1) a view of "public" and of "policy" or "policy-making" as the happenstances of a particular argument's location, use, or purpose; one presumably would be concerned with getting "beyond" or "beneath" these features so as to identify the "essential" or *formal* aspects of the argument. And (2) a view of "public" and "policy" as *informing* argument, i.e., as necessary constituents of social actor's understanding of an argument's meaning and of its epistemic claim upon them. An argument acquires "significance" in this view *because* of its contextual or field-embeddedness.

One also notices the different demands these two approaches place upon argumentation theory generally: The latter view seems to require --as a formalist view does not-- *a theory of argument fields* as a prerequisite for understanding argument *qua* argument. Indeed, Professor Willard proposes to define argumentation as "the branch of epistemics that studies field practices."[2] Such a requirement implies, *inter alia*, that satisfactory working definitions can be established, i.e., that "fields" can, in fact, be identified for study; and, second, that a methodology can be located that is appropriate both to the conceptual features of the *theory* and to the phenomenal features of the *particular field* that is being investigated.

Both concerns, it seems to me, must be addressed before a program of empirical research can be undertaken. In this paper, then, I propose to trace certain conceptual and methodological implications in viewing public policy argument as a "field" in the sense that Willard has defined this term.[3] In so doing, I hope to be able to identify directions for research in public policy argument that satisfy the demand for theoretic *explanation* and that make possible *programmatic* inquiry.

ARGUMENT FIELDS

In a number of recent essays[4] Willard has considered certain problems arising from Toulmin's notion of "fields" in *The Uses of Argument* and from attempts to define fields in terms of "logical types." In his paper for this conference ("Field Theory: A Cartesian Meditation") and in his chapter "Argument Fields," in the forthcoming *Advances in Argumentation*

Theory and Research.[5] Willard in turn elaborates an interactionist theory of fields. Following Shibutani and others, he chooses to approach an understanding of argument fields from the viewpoint of action rather than structure. Thus, fields are "created and sustained by the ongoing defining activities of actors within them ... ."[6] They are sociological, not logical, entities.

Willard's rejection of structural grounds as an orientation to fields has important implications for the construct "argument fields": (1) Argument fields cannot be distinguished along the lines of ideal types --psychology, jurisprudence, policy analysis, etc.-- whose axioms permit straightforward deductions regarding belief and action; though certain "compact disciplines" such as physics may exhibit these characteristics, other disciplines, including psychology, sociology, and speech communication, clearly do not. And a fortiori do "ordinary" fields not reflect the assumptions of ideal types. Nor (2) can fields be distinguished by the forms or patterns of reasoning used by actors. "In various ways, every field uses induction, deduction, arguments from analogy and sign, qualitative and quantitative data, scientific and humanistic arguments, and the like."[7]

Instead, Willard chooses to describe argument fields as sociological entities in the manner of the Chicago School of symbolic interactionists. Humans act toward things on the basis of the meaning a situation holds for them. "All utterance," Willard suggests, "is context-embedded and thus given meaning by virtue of definitions of context."[8] In making sense of particular situations, however, actors "unify around beliefs, standards, rhetorical appeals, relationships, and political aims."[9] The unity which characterizes a field, then, is socially constructed. A field "X" is an argument field because it is organized around "background assumptions, routines, and taken-for-granted beliefs to such a degree that it can legitimately be regarded as a community of discourse."[10]

Defining fields as sociological entities, in turn, bears importantly upon the notion of argument. Belief, judgment, or a line of action cannot be undertaken singly except as an actor tests his/her understanding or plans against the conventions of the relevant field. In so doing, actors "objectify" their personal intentions in terms of field standards or what Mead terms a "generalized other." Thus, objectifying is a process of social comparison; it implies that "actors seek points of reference, things taken-to-be-true, and not-to-be-questioned assumptions against which they may check their private constructions."[11]

We come to know particular fields, then, "by discerning recurring themes in their practices,"i.e., in the perspectives actors commonly invoke in justifying thought and action.[12] "A field is thus a perspective that A or anyone else can take for certain purposes," Willard explains. "We can say what any field looks like only after noting the recurring themes in the definitions of the situation, the contexts, and the purposes which actors refer to when they think they are doing X."[13]

In investigating fields our subject-matter is "objectifying" --a view of argument as a social comparison process "by which situated actors test their interpretations against communal standards."[14] It remains now to see whether public policy argument constitutes a "field" in the sense Willard proposes.

PUBLIC POLICY ARGUMENT AS A FIELD

As soon as we turn from the foregoing account of fields to an attempt to describe a particular field --public policy-making-- as an instance of the theory, we are in something of a bind. If Willard's arguments for an interactionist view of fields are granted, then we "cannot coherently focus on X without knowing what it is and ... we cannot know what X is without seeing how A (and his colleagues B,C, and D) use X as a way of objectifying."[15] That is, public policy-making *as an argument field* cannot be said to exist except as it is "made know" in the situated practices of A and others "in" this field. We cannot, then, claim to have described a field in advance of the empirical observations of such practices.

Nevertheless, we must have some notion of where to look when we are looking for A, i.e., some starting point from which to launch our investigations which we are prepared to elaborate, modify, or abandon altogether as we observe A, B, C, and D's actions. For unless we are prepared to view our conceptual orientation as *tentative*, we run the risk of a *petitio principii*: of assuming X in order to deduce instances of X. We must, in fact, be prepared to alter our understanding of public policy argumentation as we come to know its instances.

As a beginning, let me make my own interests clear: By "public policy" as an argument field, I am intending to refer to *ordinary*, as contrasted to *disciplinary*, practices that can be taken as defining of a public policy field. I am interested in the activities of legislators, Presidential advisors, agency rule-makers, aides to Cabinet officials, citizen-activists, and the like when they see themselves as proposing, explaining, criticising, or justifying what they take to be policies that are "public" in nature. Thus, I am concerned with the practices of policy-*makers* or *advocates* rather than with the practices of students in the newly emerging discipline of "policy analysis" who also purport to investigate ordinary field practices.[16]

In choosing to focus upon ordinary practices, however, we have an important clue: for "ordinary fields are built around purposes of social action, control, ritual, and the like."[17] If we can identify its *rationale*, then we may be able to locate a field's most representative *acts*. We will be looking for the "what" or "what for" of actors' objectifying. By beginning in this manner, we can tentatively map the conceptual terrain as follows:

(1) *Public policy argument arises in actors' recognition of the necessity of decision;*
(2) *Decision is the consummation of a process of deliberation*; and
(3) *A "notion of the public" informs actors' interpretations of the consequences of a policy decision*.

First, public policy argument, it would seem, arises from actors' recognition of the necessity of choice, decision, or elaboration of a set of guidelines for action. Whatever else public policy argument may be, it is linked fundamentally to this exigence: *a need to determine a course of practical action*. Actors' roles, institutions, and forums in which they perform their actions are all informed by this one social purpose --the necessity for deciding.

Yet, the overt choice of policy B, rather than A or C, is the consummation of action; it is merely the end-stage of a whole process of definition in which a line of action has been constructed. In this sense, policy choice is not unlike the biography of human action generally. Blumer summarises this process:

> By making indications to himself and by interpreting what he indicates, the human being has to forge or piece together a line of action. In order to act the individual has to identify what he wants, establish an objective or goal, map out a prospective line of behavior, note and interpret the actions of others, size up his situation, check himself at this or that point, figure out what to do at other points ... . What he takes into account are the things that he indicates to himself. They cover such matters as his wants, his feelings, his goals, the actions of others, the expecttations and demands of others, the rules of his group, his situation, his conceptions of himself, his recollections, and his images of prospective lines of conduct.[18]

Public or overt action, then, is the consummation of a process in which an array of meanings have been built-up in the course of deciding.

In applying Blumer's notion to policy argument, we can note that it is this *history of action* or *deliberation* which constitutes actors' "objectifying." And if deliberation is the most representative action in deciding, then we have a second clue: the "field" of policy argument is found in the perspectives which inform or modify actors' conceptions of what it is they are doing when they are deliberating about a course of practical action. Two perspectives can be located which seem to be implied termistically by our choice of *deliberative action*: (1) the *consequences of a decision*, and (2) *a conception of "the public*." Indeed, these perspectives would appear to be interdependent, our being able to derive one from the other. For if "deliberation," then deliberate, in the sense of intending; then also intending-toward-something, some object, outcome, or consequence; but if "consequence" then *for* someone or group. It is in terms of the consequences of an act that a "public" emerges. Bitzer observes: "This characteristic --*the production of consequences affecting persons beyond ourselves*-- *identifies a public act and creates a public*. Dewey remarks, 'the essence of the consequences which call a public into being is the fact that they expand beyond those directly engaged in producing them.'"[19]

The consequentiality of human choice has long served as a convenient perspective for informing deliberative practices. Both speakers and speech-writers of the early Greek city states framed their orations for the public assembly in terms of various "topics" of an action's consequences. The earliest extant deliberative speech --Andocides' *On the peace with Sparta*-- for example, builds its thesis on the arguments of necessity, practicability, expediency, and justice.[20] For Aristotle, the aim of the deliberative speaker concerned advantage and injury, "for the one who exhorts recommends a course of action as better, and the one who dissuades deters us from it as worse ... ."[21] Nevertheless, the speaker does not give counsel with regard to all goods and evils, Aristotle observes. "Clearly, the deliberative speaker is concerned with those things upon which advice is feasible; and these are all such as can be referred to ourselves as agents --all that we ourselves can originate and set in motion."[22]

Aristotle's familiar concern for the Good and the expedient differs little in fact from contemporary policy analysts' characterization of the consequentiality of public policy deliberation. MacRae and Wilde explian: "The eventual value that is produced by a policy depends both on how beneficial it would be if carried out --its desirability-- and whether it is actually carried out."[23] This same concern for the *desirability* and *political feasibility* of policy also appears in virtually all of our own discipline's textbooks on argumentation and debate. Thus, in their *Argumentation and the Decision Making Process*, Rieke and Sillars describe the common claims advocates seek to uphold in offering a solution to some existing, serious problem: "the solution is practical;" "the solution is desirable;" and "We can implement the solution."[24]

But this perspective alone does not carry sufficient criteria for its interpretation. It does not, for example, specify in what manner the "desirability" of X is to be understood in context C: as personal preference satisfaction? the general welfare? some form of utility maximization? (If so, what form?) Though consequentiality broadly informs deliberative action, it in turn is "authorized" by some further source. The consequences of an act are framed in terms of the "unity" of the relevant field and, as Willard observes, "*unity is presumed to stem from something* ... ."[25]

In thus a straightforward manner, we can derive a second perspective informing or modifying the deliberative act: *Public* policy argument assumes, in Bitzer's words, "a notion of the public."[26] Such a notion suggests that unity derives from actors' access to what Bitzer calls "public knowledge," i.e., in their regarding "collective human experience as the legitimate source of some truths and, thus, the authoritative ground of a class of decisions and actions."[27]

There is, nonetheless, considerable ambiguity in this idea at first. Argument regarding a public *policy*, e.g., federal leasing of offshore tracts for oil drilling, may differ from arguments assuming a notion *of* "the public." Thus policy argument, in the first sense, may take any number of perspectives --corporate, environmental, partisan politics, etc.-- in debating the merits of Interior Secretary Watt's decision to lease certain tracts off the coast of California. Yet, these arguments presumably could proceed without reference to the general welfare or other conception of "the public." Both senses incorporate the notion of consequences, e.g., the "desirability" of leasing these particular tracts, but only the latter locates this notion in the actors' taking of a "public" perspective.

On the other hand, actors may also assume the perspective *of* the "public" or "common good" on *issues* that are public while arguing simultaneously from the perspectives of other, special fields. An interesting case is cost benefit analysis. One the one hand, its practitioners invoke a definite conception of the "public's" interest: a policy "B" is valued when it maximizes finite reseources in the face of multiple, competing demands for those resources, "the greatest good for the greatest number," etc. Yet, its measurement theory --assigning dollars equivalents to human life-- would presumably not be shared by other actors who also claim to be arguing "from" the public interest. Similarly, anti-abortion advocates may attempt to objectify their religious motives in terms of the not-to-be-questioned assumption that "the State exists to further, not hinder, human life."

For these reasons, public policy argument probably should be considered a "normative" field rather than an "issue" field. By a normative field Willard means "an actor's grounds for defining himself vis-a-vis some broader group."[28] Normative fields thus are loosely equated with *reference groups*. That is to say, the "public" is a perspective that actors make assume from time to time for the purpose of *identifying* issues with this broader group, i.e., the "common" interest. Because they are able to objectify, say, environmental concerns in terms of this interest, actors have available the grounds for decision and action.

As a normative field, public policy argument is a perspective that actors choose to adopt in order to transcend the narrower confines of particular issue fields. Two features of field theory in general are implied here: (1) *Arguments fields are strategic*, and (2) *their boundaries often overlap*. Fields are perspectives actors choose for purposes of objectifying and they both *adopt* and *drop* a field "X" at strategic moments, i.e., they may shift to a second perspective or may argue from diverse perspectives at the same time. This is possible because *fields are fuzzy*; they are social constructions and the demarcations among them will be "evolutionary, never fixed, and adapted to situations."[29]

A case for policy argument as a "field," in short, can be made only by considering it in the looser sense as a *normative* field. Public policy argument is a perspective actors may invoke on a broad range of issues --banking, endangered species, commercial fishing, abortion, grain shipments to the U.S.S.R., Haitian refugees, etc. While I have not tried to fill in the content of its conventions (for that must await empirical research), I have suggested something of the conceptual terrain one must cover in investigating policy argument: Public policy argument arises in actors' recognition of the necessity for decision; decision is the consummation of a process of deliberation in which actors "objectify" reasons for a course of action; and in interpreting the consequences of their decision, actors invoke a notion of "the public."

In addition to this "working out" of field boundaries, an investigation of policy argument assumes that a methodology can be located that is appropriate both to the conceptual features of *field theory* and to the phenomenal features of *public policy argument*.

PUBLIC POLICY ARGUMENT AND THE CRITICAL STANCE

Where are we, then? I have suggested on the basis of Willard's theory of argument fields that our investigation should be framed in terms of *action* rather than *structure*: "This fixes our attention squarely upon situations: it makes the context-embeddedness of action and the meaning-creating importance of definition the two hard facts to be respected."[30] Actors' definitions of situation lead to decision, and such definitions proceed by objectifying personal aims in terms of the conventions of a field. In policy argument the representative *act* thus is deliberation or the "building-up" of a line of action that is informed by consequentiality and a notion of the public. What must be understood are the interpretative procedures by which policy-makers or advocates "make sense of their situations."[31]

Our choice of methodology then grows out of the question, "How do public policy actors mediate field conventions in understanding particular situations?" We are not concerned with *what are* the beliefs, rules, or commonplaces of the field of policy argument per se, but with *how they get used* in actors' deliberations. What we require is a methodological stance which "captures the continual dialectic between situated actors and conventions."[32] And because we are concerned with an on-going process, the building-up of a line of action in the course of actors' defining a situation, we will necessarily be involved with "extended examples,"[33] or with tracing *the biography of action*. Both participant observation and criticism seem suitable for many of our purposes (and Willard explores both in his essays cited in this paper). The advantages of participant observation are obvious: Through on-going participation in the actors' world, the observer is able to take their perspective in understanding how situation "X" is defined. Yet, its procedures cannot always be used in the special realm of policy studies, and clearly *cannot* be used by most of us in the most interesting cases --Presidential decision-making, most Cabinet and agency deliberations not open to the public, etc. Though problems of contemporaneity and physical access also confront the critic, I believe a case can be made for criticism as a useful method in the investigation of policy argument.

Adopting the "critical stance"[34] is in itself a problematic matter however. Let me be clear: I do not mean by "criticism" either (1) the identification of *a priori* logical "types," or (2) an attempt to portray linear, causal alignments, e.g., "Arguments A, B, and C preceded the choice of 'X,' hence we have accounted for 'X.'" Rather, the adaoption of a critical stance is to ask: What are the implications of taking seriously actor-defined referents of "meaning" in explaining actors' judgments and actions? Willard proposes in a similar manner that "Criticism is a mode of epistemology which aims at illuminating the effects of assumptions."[35] With respect to argument fields, then, criticism seeks to explain objectifying, "how social comparison proceeds, and the relationships between cognitive arrangements (how people structure experience) and epistemic choices."[36]

Central to a critical explication of the process of deliberation, particularly, is the identification of the mediating *agency* (or agencies) whereby actors confer meaning on their actions. This is another way of asking "How do situations come to be 'known' or defined as 'X' rather than as 'Y' or 'Z'?" In seeking to explain *a change or reversal of policy* such as President Lyndon Johnson's decision to order a ceiling on the escalation of the war in Vietnam on March 31, 1968, it is not enough merely to observe that "the situation" was interpreted as "X" before March 31, 1968, but as "Y" afterward; nor is it enough to produce a comprehensive list of arguments for and against policies "A" and "B" on the assumption of a "rational calculus" as *agency*. Rather, we need to ask why can the meaning which originally sustained "A" no longer be sustained? And from what source does meaning for "B" emerge?

The critical task then is an explanation of objectifying, and more specifically it is *an identification and description of the agency of meaning-creation, maintenance, and change by which a line of action is built-up in actors' deliberation*. Such a description will be informed in large measure by the consequentiality of actors' choices and by their construal of the "public."

We might take as our cue Smith's suggestion (in his study of the negotiating process) that the researcher look to the "definition and meaning emergence activity of talk itself,"[37] i.e., at the deliberators' *symbolic actions*. Argument, rather than being viewed as a method for sequencing propositions, could be investigated for its contribution to the defining of a decision situation. Viewed thus, argument seeks to locate, fashion, or construct rules, strategies, or metaphors for "the encompassing of situations."[38] Actors' "talk" in this sense, to use Burke's phrase, "size up the situations, name their structure and outstanding ingredients, and name them in a way that contains an attitude towards them."[39] Depending upon how far we want to go with Burke's theory of symbolic action, we can look on actor's situated talk as the most direct route to an understanding of their intentions, i.e., their *motives*. For we may discern the rationale of an act by actors' association and dissociation of interests, events, and values in defining a situation as being such-and-such-a-kind. As Burke puts it: "There is no need to 'supply' motives. The interrelationships themselves *are* [an actor's] motives. For they are his *situation*; and *situation* is but another word for motives."[40]

There are, *inter alia*, two directions in which the study of actors' symbolic "encompassing" of a situation may take us: (1) *a study of the subjective rules, commonplaces, or images by which situations are known, constructed, or "put together;"* and (2) *an investigation of certain transformational processes such as "dissociation."* The link between argument and rule-governed behavior is especially applicable to an interactionist/constructivist view of fields. Willard, for example, suggests that: "If argument is a 'kind of interaction' ... it is probable that a statement such as 'we are having an argument' will lead social actors *to negotiate a definition of situation which embraces certain subjective rules which serve to govern the interaction*."[40a] Applied to public policy argument, such subjective "rules" would presumably bear some relationship to traditional conceptions of *topoi*, commonplaces, or "public knowledge." That is to say, the repertoire of interpretative strategies which actors draw upon are, in turn, drawn from "public," i.e., common, places or sources.

Yet, there are complications in any attempt to borrow wholesale the terminology of traditional theories of topoi for the study of argument fields. Certainly, Aristotle's "universal" topoi are inadequate for distinguishing fields, for they presuppose cultural mono-valence. Though topoi may lead us initially to some field "X" because actors in this field use such topoi, they do not necessarily distinguish "X" as a field. Willard observes: "Topoi can never complete the job because they are lines of argument that, as conventional utterances, might be shared by many fields (i.e., many fields might adhere to the same conventional propositions about, say, scientific method). Fields differ because they intend toward things differently ... ."[41] Where then does this leave us? The opposite point of view is to assume all situated talk is utterly idiosyncratic, a view that obviates the notion of "field" theory. Obviously, actors do draw from experience; they learn from past choices that they have made and they carry over this learning to new situations. We need to look for actors' verbal strategies for encompassing situations as "of a kind," i.e., rules, common themes, or metaphors occurring on a less general level than topoi are usually located.

A useful illustration can be drawn from the materials available to the critic investigating the deliberation of LBJ's Ad Hoc Task Force on Vietnam in the days following the Tet offensive in February and March 1968. Composed of top-ranking advisers from both the State and Defense departments, members of the Joint Chiefs and White House staff, the task force was ordered by the President to review alternatives in light of General Westmoreland's request for 206,000 additional troops. Under the guidance of newly-appointed Secretary of Defense Clark Clifford, the advisory sessions evolved into a serious reappraisal of the Administration's Vietnam policy. One of the participants, Deputy Assistant Secretary of Defense for International Security Affairs Townsend Hoopes, argued that the Administration should be more ready to negotiate with North Vietnam:

> In the see-saw struggle to determine the precisely propitious moment to risk negotiations, we should try to retain a sense of proportion. We are a nation of 200 million --the strongest economic and military power in the world-- whereas North Vietnam is an underdeveloped country of 19 million. We should be able to afford a certain magnanimity on this point of the circumstantial "position of strength" prerequisite for entering upon negotiations. In other words, we should not too much insist on our own particular stage setting for talks. If we do, we will probably get no talks at all.[42]

Hoopes' invoking of a rule of "proportion" not only served to encompass the present situation with regard to General Westmoreland's demand for yet more troops, but linked his support for negotiations to past Administration practices. Vietnam was, afterall, a war of limitations; the U.S. was willing to make only so much investment in order to secure the limited goal of forestalling a Communist vistory. Hoopes' image of a "sense of proportion," then, was one way of organizing the task force's cognitive experiences with the war and their image of the United States as a nation. Though this image helps to define "this" situation, it is not overly broad; in many ways "a sense of proportion" functions uniquely as a mediating concept in public policy argument. It suggests a proper balancing of competing interests and assumes a "higher" source or rationale for setting the ratio or proportion, i.e., "the greater good" or general welfare.

Such a study of the subjective rules, commonplaces, or images which actors may use to define their situations closely resembles Zartman's description of the process of negotiation: "We should see negotiation proceeding in the attempt to generate some larger formula on which general agreement can be based. When that formula is found the settlement is then developed in increasing detail to apply to all matters under consideration."[43] Smith argues that we might substitute "metaphor" for "formula" and still be consistent with Zartman's notion. "If a metaphor or an image of the settlement can be developed by the parties then that metaphor can be made increasingly specific through the definition and meaning emergence activity of talk itself."[44]

A second, and perhaps even more important, direction for understanding the agency of actors' definitions are such symbolic processes as "dissociation." Though this concept has been discussed by both Remy de Gourmont and Kenneth Burke, it is developed explicitly in connection with argumentation theory by Chaim Perelman. Dissociation is a process of redefinition in which a unitary concept is viewed as having two senses: one sense is taken as a norm or criterion which allows an actor to distinguish those aspects of the second sense which are of value from those that are not. Such a norm is, in Perelman and Olbrechts-Tyteca's words, a "construction" which "establishes a rule that makes it possible to classify the multiple aspects of [the other sense] in a hierarchy."[45]

Perelman's idea of dissociation provides a way of understanding scenic transformations, actors' objectifications which accomplish a different sense of their "situation." Zarefsky, for example, makes use of this notion in explaining LBJ's redefining of "equal opportunity" in his speech at Howard University in 1965. Whereas the concept of equal opportunity had traditionally been defined as the removal of legal discrimination, Johnson argued: "It is not enough just to open the gates of opportunity. All our citizens must have the ability to walk through those gates."[46] Helping to ensure that ability demanded an affirmative action on the part of the Government. Thus "equal opportunity" was redefined from a policy of "equal protection under the law" to a policy of active Government involvement in promoting minority social and economic progress.

Other directions may also prove useful in locating and describing the agency of actors' interpretation of their situations. However, I want to turn my attention now to another issue. Generally, I want to ask: What does the critic take as "data" in the study of public policy as a field? For the problems of contemporaneity and physical access which hinder participant observation also affect the researcher employing a critical methodology. Thus, I want to ask more specifically: What role, if any, do "texts" play in our understanding of actors' objectifying?

I raise this more specific question because of the objections Willard launches against *textual* criticism. In his chapter "Argument Fields," he makes the claim: "*Texts are unsure records of situated speech*."[47] In developing this notion, Willard relies upon Gadamer's description of linguistic contexts, i.e., "we have things unsaid but made present in speech and things concealed by speech."[48] Among other things, this implies that: "relativity to situation and opportunity constitutes the very essence of speaking. For no statement simply has an unambiguous meaning based on its linguistic and logical constructions as such ... ."[49] Gadamer's observations do not, however, carry us as far as I believe Willard would have us go. As regards public policy argument particularly, his objections would *not* cause us to forego study of such "texts" as speeches, position papers, memoranda, minutes of conferences, and the like.

First, I believe Willard *unnecessarily limits the critic's "access" to the linguistic context of situated actors*. For, as Jacobs and Jackson note: "In communicating an individual does not simply take the perspective of the particular other to whom s/he speaks. The individual takes the perspective of the social institution within which both individuals are participating and assumes that his/her fellow interlocutor does the same."[50] This much, Willard himself acknowledges; indeed, *objectifying* is defined as a dialectical balancing of personal intentions and field conventions. This becomes problematic for Willard's argument, however, when we speak of the "social institution" which informs *policy argument*. When such an actor takes the perspective of the "generalized other," he or she invokes a conception of the "public," i.e., the attitudes, norms, values, and rules of a vastly expanded reference group *of which the critic is also a member*. To this extent, the linguistic context or field is radically different from the ephemeral, "closeted" setting of spontaneous, everyday interaction (which Willard takes as the focus of much of his own research program); it is also different than the linguistic context of particular, formal institutions, e.g., appellate proceedings, IBM management seminars, or the Council of Twelve of the Church of Latter Day Saints.

In a non-paradoxical sense then, public policy argument is "public" in that its texts (task force reports, speeches, memoranda , etc.) are "publicly inspectable." This is true in the sense that a critic may also "know" the reference group in terms of which the meaning of actors' talk is indexed and in the sense that the language of public policy argument is *a language of convention*, i.e., informed by common ("public") knowledge, rules, or images. Finally, *argument* generally is public in a way that other forms of human interaction may not be: It is the peculiar virtue of argument as a form of social interaction that arguers often make clear their intentions and meanings in the course of arguing. This is so, as Willard himself observes, "owing to the inquisitorial nature of the activity (i.e., it is socially appropriate to demand reasons, evidence, and explanations of one's opponent)."[51]

Thus, the "context" of much of public policy argumentation is accessible to the informed members of the "public," whether they are citizen activist, League of Women Voters member, or argument critic. There is a second reason, however, why I believe Willard's objections do not cause us to forego textual criticism: Willard fails to distinguish *text-as-record* from *text-as-act*. Now, certainly many "texts" of actors' deliberations are records in the sense that Willard intends --minutes of conferences, news reports and interviews, diaries which report the author's rememberance of past arguments, etc. These are not without value on this score, as I have argued above. But not all --perhaps not even the most important-- texts are of this type.

In a sense, we can speak of situated actors "authorising" the critic's use of a particular text *as* *argument*. This may be said to occur when: (1) an actor so intends a particular artifact (memo, letter, speech draft) *as* argument, i.e., as *the* *medium* *of* *argument* as opposed to a record *of* argument; and (2) the intended recepient also construes the artifact as "arguing" with him or her in the moment. Certain Vietnam task force memoranda, for example, were intended, not as summaries of arguments used, made, or given in a meeting or conference, but as arguments themselves; that is, these memoranda *were* the actors' attempts to test private interpretations against "public" conventions. Hoopes writes of his own effort to convince Defense Secretary Clifford of the need for a policy change:

> Hope now lay in the fact that one strong and important cabinet officer, Clifford, was increasingly questioning the assumption that military victory was achievable, *and was showing himself receptive to further argument and analysis*; ... *I therefore undertook to find compelling arguments to support the conclusion that U.S. military victory in Vietnam was infeasible*. After a week of hard work, *I sent Clifford what I hoped was a definitive memorandum*.[52] (Emphasis added)

The memorandum, dated March 14, 1968, was explicit in announcing its intention:

> As a contribution to current deliberations and to your own ongoing review of the situation, *this memorandum argues the case* that the idea of military victory in Vietnam is a dangerous illusion ..."[53] (Emphasis added)

Hoopes then assembled some thirty-nine "points" examing the assumptions underlying current Administration policy and calling for a revision in that policy: "The purpose here is to combine all of the relevant arguments and bring them to focus on the root questions of whether military victory is feasible."[54]

Hoopes' memorandum was a record of his own and others' understanding of the "situation" *and* an effort to spell out their views within the assumptions and conventions of a "public policy." Hoopes explains:

> The memorandum was at once a compendium of my own convictions and a distillation of other men's diligence and wisdom. Some of the arguments had come to Clifford's attention between February 28 and March 7, but *mainly in fragments*, as the discussion ebbed and flowed in meetings of the Vietnam Task Force. Moreover, *arguments of the complexity and*

[CONT.]

> *consequence of these require reiteration*.[55]
> (Emphasis added)

While Hoopes' memo sought *to convince Clifford*, other memoranda associated with the task force were "rehersals" of arguments requested *by* Clifford; these were, in a sense, scripts for arguments to be used or made in forthcoming meetings, i.e., "If you want to counter A's position on X, then say such-and-such." Hoopes provides us with this interesting account of the behind-the-scenes strategems of such Pentagon civilians as Paul Warnke and Phil G. Goulding:

> After each Task Force session broke up, Warnke and Goulding stayed behind to express to Clifford their concern over the drift of the discussion, to press a particular point, to counter a particular line of argument. Clifford listened intently, *then asked them to go and prepare facts and analysis that he could use at the next session*. All during the seven-day period, Warnke and Goulding would thus retire to an office between sessions to develop hasty counter arguments, dictating and correcting drafts at a rapid clip, so that Clifford could have fresh information for the next meeting."[56] (Emp. add.)

The Hoopes' memorandum and the drafts prepared for Clifford by Warnke and Goulding illustrate *text-as-act* rather than *text-as-record*. Their intending-toward such documents as arguments, the fit of these to their "situation" (i.e., as contributions to ongoing deliberation), as well as Clifford's receptivity to them as arguments provide convincing grounds for the critic's use of such artifacts to study these actors' "objectifying." And as arguments, these "texts" provide what Willard sees argument generally providing the critic or observer: they give "explicit information about the assumptions of the arguers" as well as "reasons, evidence, and explanations ... ."[57]

In summary, texts may be publicly-inspectable because their meaning is indexed vis-a-vis a normative field, i.e., a "public" policy; and texts (*some* texts) are more than records of situated speech, they *are* the argument for they are the actors' encompassing of the situation.

CONCLUSION

I have taken the view that "public" and "public policy" *inform* argument, rather than being the happenstances of an argument's *location*, use, or purpose. Seen this way, public policy argument requires *a theory of argument fields* as a prerequisite for our understanding situated thought and action. The remainder of my analysis was an attempt to trace certain conceptual and methodological implications of viewing public policy argument as a "field" in Willard's interactionist/constructivist theory of argument fields.

Where then has this investigation brought us? It seems possible that field theory could accomplish two things in our study of public policy argument: First, a "field" perspective could satisfy the demands of theoretic *explanation*. Willard and I have argued elsewhere: "In saying what an 'argument' *is*, one opens up --or forecloses-- certain ways of understanding its occurrence, conduct, and 'successes' in social interaction. That is to say, an adequate theory of argumentation must include *a structure of explanation appropriate both to its subject matter and to the ontological assumptions undergirding it*."[58] Viewed as a "normative" field, policy argument proceeds by actors' testing of their private constructions against "a notion of the public." By identifying and describing the agency or agencies by which actors sustain or transform the meaning of situations, we come closer to understanding *why* these actors believe "X" to be a more reasonable action than "Y" or "Z."

Second, a field perspective provides for the possibility of "progress," i.e., we learn more than what arguments were used on what occasion; we learn something about how argument *qua* argument works. In reviewing the memoranda of LBJ's Vietnam Task Force, for example, we not only know that Hoopes invoked a rule of "proportion" in calling for negotiations with the North Vietnamese in March 1968; we also gain some insight into argument's "encompassing" of a situation through the subjective rules, commonplaces, or images that actors employ. Each critical probe provides data for argumentation theory generally. A field perspective in the study of public policy argument, in summary, allows for theoretical problem-solving.

NOTES

[1] George Herbert Mead, *Mind, Self, and Society*, ed. Charles W. Morris (Chicago: University of Chicago Press, 1934), p. 89.

[2] Charles Arthur Willard, "Argument Fields," in *Advances in Argumentation Theory and Research*, ed. J. Robert Cox and Charles Arthur Willard (Carbondale: Southern Illinois University Press, in press), p. 1. All page citations are to the chapter draft, hereafter referred to as "A.F."

[3] Ibid.

[4] See esp. Charles Arthur Willard, "Some Questions about Toulmin's View of Argument Fields," in *Proceedings of the Summer Conference on Argumentation*, ed. Jack Rhodes and Sara Newell (University of Utah, 1980), pp. 348-400; "Argument Fields and Theories of Logical Types," *Journal of the American Forensic Association*, in press.

[5] Willard, "A.F."

[6] "Field Theory: A Cartesian Meditation," this volume; all page citations are to the draft paper, herefater referred to as "F.T." (p. 8)

[7] Willard, "A.F.," p. 3.

[8] Willard, "F.T.," p. 31.

[9] Willard, "A.F.," p. 6.

[10] Ibid., p. 14.

[11] Ibid., p. 20.

[12] Ibid., p. 40.

[13] Willard, "F.T.," p. 24.

[14] Willard, "A.F.," p. 30.

[15] Ibid., p. 23.

[16] See, for example, Duncan MacRae, Jr. and James A. Wilde, *Policy Analysis for Public Decisions* (Belmont, Calif.: Duxbury Press, 1979).

[17] Willard, "F.T.," p. 27.

[18] Herbert Blumer, "Sociological Implications of the Thought of George Herbert Mead," *The American Journal of Sociology* (1966), quoted in Joel M. Charon, *Symbolic Interactionism* (Englewood Cliffs: Prentice-Hall, 1979), pp. 119-120.

[19] Lloyd F. Bitzer, "Rhetoric and Public Knowledge," in *Rhetoric, Philosophy, and Literature: An Exploration*, ed. Don Burks (West Lafayette, Ind.: Purdue University Press, 1978), p. 77.

[20] George Kennedy, *The Art of Persuasion in Greece* (Princeton: Princeton University Press, 1963), pp. 204-205.

[21] *The Rhetoric of Aristotle*, tr. Lane Cooper (New York: Appleton-Century-Crofts, 1932), p. 18.

[22] Ibid., p. 20.

[23] MacRae and Wilde, p. 49.

[24] Richard D. Rieke and Malcolm O. Sillars, *Argumentation and the Decision Making Process* (New York: John Wiley, 1975), p. 172.

[25] Willard, "A.F.," p. 6.

[26] Bitzer, p. 68.

[27] Ibid., pp. 68-69.

[28] Willard, "F.T.," p. 41.

[29] Ibid., p. 8.

[30] Willard, "A.F.," p. 40.

[31] Willard, "F.T.," p. 29.

[32] Willard, "A.F.," p. 18.

[33] Ibid., p. 31.

[34] For an excellent discussion of criticism as a methodology, see Bill Balthrop, "Argumentation and the Critical Stance: A Methodological Approach," in Cox and Willard, ch. 11.

[35] Willard, "A.F.," p. 32.

[36] Ibid., pp. 32-33.

[37] David H. Smith, "Theoretical and Research Problems with the Concept of Utility in Message Patterns of Negotiators," paper presented at the International Communication Association meeting, Acapulco, Mexico, May 22, 1980, p. 14.

[38] Kenneth Burke, *The Philosophy of Literary Form: Studies in Symbolic Action*, 3rd ed. (Berkeley: University of California Press, 1973), p. 1.

[39] Ibid.

[40] Ibid., p. 20.

[40a] Charles Arthur Willard, "A Reformulation of the Concept of Argument: The Constructivist/Interactionist Foundations of a Sociology of Argument," *JAFA*, XIV (1978), 130.

[41] Willard, "F.T.," p. 35.

[42] Townsend Hoopes, *The Limits of Intervention* (New York: David McKay, 1969), pp. 178-179.

[43] Smith, p. 14.

[44] Ibid.

[45] Ch. Perelman and L. Olbrechts-Tyteca, *The New Rhetoric: A Treatise on Argumentation*, tr. John Wilkinson and Purcell Weaver (Notre Dame and London: University of Notre Dame Press, 1969), p. 416.

[46] David Zarefsky, "Lyndon Johnson Redefines 'Equal Opportunity:' The Beginnings of Affirmative Action," *Central States Speech Journal*, 31 (1980), 88.

[47] Willard, "A.F.," p. 43.

[48] Ibid., p. 44.

[49] H. G. Gadamer, quoted in Willard, "A.F.," p. 44.

[50] Scott Jacobs and Sally Jackson, "Conversational Argument: A Discourse Analytic Method," in Cox and Willard, ch. 10, pp. 13-14 [draft].

[51] Willard, "F.T.," p. 33.

[52] Hoopes, p. 186.

[53] Ibid., p. 187.

[54] Ibid., p. 188.

[55] Ibid., pp. 196-197.

[56] Ibid., pp. 175-176.

[57] Willard, "F.T.," p. 33.

[58] J. Robert Cox and Charles A. Willard, "The Field of Argument," in Cox and Willard, ch. 1, p. 29 [draft].

INVESTIGATING RELIGIOUS ARGUMENT AS A FIELD

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Common sense observation tells us that there are differences in the way people argue which are determined by the traditions established in different fields of argument. It is also clear that there are difficulties in knowing just what a field is, or in differentiating one field from another because of overlap and borrowing, or in accounting for the substantial area of general argumentation which is not accounted for by field theory. At the summer conference two years ago those problems were explored and a program tomorrow deals with the theoretical perspectives on argument fields.[1] It is not my purpose to go into the theoretical controversy about fields but to explain some of the challenges which I found while attempting to define religious argumentation by looking at what its practitioners do.

A year ago I began the attempt to define religious argumentation for a chapter in the second edition of *Argumentation and the Decision Making Process*. Although I am not an expert in religion I have had enough association with it that I thought that with some specialized study it would be a relatively easy task. There were some things about which I was relatively certain, but as I wrote a first draft I became aware of some problems. When the first draft was read by a colleague who teaches philosophy of religion and a friend who is a theologian, new problems were brought out and I became convinced that the best I could do was develop, not *the* explanation, but *my* explanation of the field of religious argumentation. Many alternate explanations are plausible. While my explanation will hopefully gain the adherence of others it is not as clearcut as I originally believed. Perhaps some indication of my problems will help others who wish to define fields.

From the beginning I recognized that my own knowledge limited me to the religions of the Hebraic tradition: Judaism, Christianity and Islam. Not only do religions of the Hebraic tradition have common roots but all its braches are, as well, highly verbal religions making them more amenable to traditional argumentative analysis.[2] A decision to limit a study to one tradition, a minority one at that, raises the question of the extent to which my conclusions would generalize over all religions and the extent to which a field is governed by the specific content and not by a dedication to certain proceedures. It raises the question, to what extent do we have fields of religious argumentation and not a field of religious argumentation?

A second problem, even within the Hebraic traditon, is in defining just what religious argumentation covers. John Macquarrie has observed that religious language can include praying, blessing, testimony and nonverbal symbols such as crucifixes, paintings and music. "Theological language" is narrower, he says. It "arises out of religious language as a whole, and it does so when a religious faith becomes reflective and tries to give an account of itself in verbal statements."[3] Religious argumentation, then, could include Ronald Reagan's invocation of God and his call for silent prayer at the close of his 1980 Acceptance Address. It includes many sermons which are definitions of moral behavior and the religious pop psychology of a whole troop of preachers who follow the Norman Vincent Peale school.

Thus, theology is a much clearer field of argumentation than is that whole host of activities which people call religion. In order to define a coherent field I found it necessary to pay attention to theology and use it as a standard for understanding what religion is. One must decide that Niebuhr is a better representative of religious argumentation than Graham, Barth better than Peale, and Aquinas better than Reverend Ike. To draw this conclusion one must look to the language which is most clearly argumentative because it makes and refutes verbal arguments. Does such an emphasis ignore too much? Does it assume that fields are defined by their narrowest structures out of which general religious argumentation grows? Does it forget the implication of Macquarrie's statement, "Theological language arises out of religious language?"

Even when one accepts theology as the central organizing discipline one is confronted with an immediate problem: should theology be approached by looking at what, for want of a better term, I shall call "natural" relationships, or at a content analytic approach to what theologians do?

One does not have to look at much theological writing before one becomes aware that texts (Torah, Bible and Koran being the main, but not the only ones) are central. Most arguments are dependent in one way or another on texts. But, to begin with texts as the central factor in religious argumentation is to emphasize revealed theology over natural theology. It would seem quite reasonable to look first to natural theology and then to what is revealed in texts. Natural theology utilizes arguments based upon nature by which the theologian seeks to establish the existence and nature of God from whom texts get their authority. It seems reasonable that one needs to be convinced that God exists before one studies what God has revealed. Yet natural theology makes up a minor proportion of theological argumentation.

Furthermore, from one standpoint neither natural theology nor revealed theology comes first. Both are used to justify existing faith. Thomas Aquinas developed his five arguments for proving the existence of God, which are probably the most important statements of natural theology, after he was already a believer. Come to think of it, why would any non-believer be concerned with arguments for the existence of God? Even from a receiver point of view, while it seems reasonable that one should give adherence to natural theology first, I don't believe that is what happens in all but rare cases. One has to believe in God before one engages in either natural or revealed theology but arguments about the existence of God do not necessarily come first.

It is a far cry from traditional argumentation to start from the base question, how do people accept on faith? Yet that might be called for. Augustine argued, and many Christians agree, that God made the meaning of scripture obscure so that it could be understood only by someone who had faith.[4] Others do not go so far but all the religious argumentation has in it the idea that one who has faith is a better interpreter of the text than one who does not. Paul expressed the idea in Hebrews 10:1-2

> For since the law has but a shadow of the good things to come instead of the true form of these realities, it can never,...make perfect those tho draw near.
> Now faith is the assurance of things hoped for, the conviction of things not seen. For by it the men of old received divine approval.
> By faith we understand that the world was created by the word of God, so that what is seen was made out of things which do not appear.

Thus, a person who wishes to define theological argumentation may wish to begin in the psychological and highly speculative realm of the acquisition of faith, the traditional division of natural and revealed theology or in the more statistical approach of defining in terms of what practices theologians use most. I chose this more statistical approach. But in using it, I must admit to the irony of discovering the deep suspicion among theologians of statistical argument.

As I noted earlier, the most significant part of theological argument uses texts as the starting point. Any argumentation based upon texts have at least two major problems: what is the text and how is it interpreted? Significant arguments occur over the identification of the correct text. What translations best reflect the original intended meaning? It is not as simple as the argument of the believer that "the King James Version was good enough for Paul so it is good enough for me." The issue is complicated by the fact that original documents, in whatever language, are not available to translate.

Even when wording can be agreed on there is still the issue: what is the canon? What parts of the text constitute sacred scripture? Certain books are left out by some scholars and councils and included by others. Even some books which are included in the canon are regarded as less reliable. "Theologies," says John Leith, "that have depended overwhelmingly on books such as Revelation, whose admission to the canon was widely debated, have always been questioned."[5]

The problem of interpretation is at least as complex as determining the canon. Interpretation is dependent on at least four possible constraints: tradition, experience, history and, once again, the evasive concept of faith.

The tradition of interpretation from which a particular theological position comes will influence the meaning which a text is given. The most obvious example of a theology which is heavily influenced by tradition is Roman Catholicism. That church has a thoroughly developed tradition. Many evangelical Protestants who claim to interpret from text alone without tradition have developed traditional interpretations of what the Bible means. The question, therefore, is not whether theological interpretation depends on tradition but how much and which tradition is used and to what extent it is acknowledged.

Since the text does not speak to one generation but to every generation, it must be interpreted by the experience of succeeding generations. A striking example of experience affecting interpretation is provided by the rapid death of 19th century liberal Protestant theology as a result of World War I and the Great Depression. The optimistic expectations of indefinite progress toward the realization of God's kingdom on earth evaporated and was quickly replaced with ultimate things, such as death, and by the prophetic denunciation of modern culture by the existential theologians who rediscovered Kierkegaard.

There is also experience which comes after interpretation which serves as a test of textual interpretation. When Shiite Moslems interpret the Koran to mean that the Shah of Iran must be overthrown and they succeed in doing so, they believe that experience supports their interpretation. Such reasoning is widely suspected by most theologians because of the danger that it is responding to secular desires and not God's meaning. But religion is assumed to have meaning for individuals. What possible good would a religious argument be which bore no relation whatsoever to the experience of the people who were to give it adherence?

Judaism, Christianity and Islam are historical in their interpretations in the sense that they see the entire cosmic process as a temporal unfolding of a divine plan with a beginning, a series of crucial events and an end. Of the three, however, Judaism is the most historical. It is tied to the history of the Jewish people. Islam is a legalistic religion in which the law is defined by texts which were written at one time for all times. Christianity is so dominated by a single focus, the life of Jesus, that its historical character is muted. None-the-less, history is a way of interpretation even for Christians because for most theologians the interpretation of texts has to be influenced by the audience and circumstance at the time the text was written.

A major controversy in Christian theology is over the relative importance of Hebrew and Greek interpretations. It is essentially a disagreement over the role of history in interpretation. "It is the characteristic of Greek thought to work with abstractions," says James Barr. "It is not good enough to know that it is a good horse or good table, you must find out what is 'the Good.'...to get at reality you abstract the problem from a particular time and place,...Hebrew thought ...argues...by presenting a series of related situation-images."[6]

I have already spent enough time on faith in a previous section of this paper. It would serve little purpose in going into it in more detail here. It is enough to observe that it is a vital and perplexing means of interpreting texts.

These four constraints (tradition, experience, history and faith) have produced a multitude of theologies. Therefore, finding a system of evaluation which would encompass all theological argumentation is difficult at best. The one really unifying principle which holds is text. One must not do violence to the text. Thus, the text is a check on the factors of interpretation. But, the text cannot be interpreted by itself and so the dilemma remains of interpretation controlling text and text controlling interpretation. Every one here is well aware of the difficulties of attempting to define a genre of argumentation when interpretation of text is the main way of knowing. The obvious problems of any rhetorical critic are further confounded by the presence of that evasive psychological state, faith, as a basic constraint on interpreatation. Yet I believe that there is order, and systematic explanations are possible for theological argumentation. At the moment I may be relying too much on faith myself but I would like to see someone study a particular theologian to find out more about how the interactions of these factors work, or don't work.

Probably, next to text, the preferred argument form is the most important defining characteristic of religious argumentation. It should come as no surprise to anyone here that the enthymematic argument is the dominant one and it works most frequently in a situation where either the grounds or the warrant or both are textual. In addition, other signs will be used but text is central and enthymematic argument is most important.

It should probably come as no surprise that analogy is a second important argumentative form. Parables are the most obvious example. The parable of the prodigal son is reinforced in the Bible by many specific references to God the Father. Thus, when it is interpreted to mean that God will forgive sinners that interpretation has much textual support. But in religious argumentation many uses of analogy will reach far beyond such an easy example.

A major issue in theology is over how far one goes in accepting analogy. Does virgin birth mean literally that, or does it mean purity? Even the most dedicated literalists accept analogy. No theologian argues that "you are the salt to the world"[7] means literally that the disciples are made of sodium chloride.

John Macquarrie has put the problem of analogy quite well:

> Just how wise a gulf can this symbolism bridge? One can see that an analogy...may very well be illuminative for another situation of the same order--for instance, one legal situation may help toward understanding another analogous one. But how could an every day situation be illuminative for another one of quite different order--or to make the point quite concrete, how could things we can say about kings, portraits, or the sun be illuminating for something so remote from these relatively intelligible matters as the incarnation?[8]

An important distinction among theologies is defined by where they draw the line on their analogies.

Since most of the claims in religious argumentation are given by the text, reasoned from text enthymematically, or defined analogically, there is little use of generalization. Indeed, statistical generalization is highly suspect. You will recall that T. Dewitt Talmage, in his sermon, "Victory for God," attempted to refute Robert G. Ingersoll by citing the number of New Testaments distributed, the number of converts, and so forth, to prove the popularity of Christianity.[9] Most theologians would quickly identify that as a secular argument because religious argumentation does not attempt to know what is popular but what is correct and a correct religion may be unpopular.

Statistical generalization is the least respected form of argument and taken as a whole, generalization is a less used form than the others I have identified. Religious argumentation might be said to have one exception to this rule. That is the principle that the text must be taken as a whole. There must be unity of interpretation. And so one finds arguments which demonstrate this unity by a series of quotations from various texts.

But Thomas Olbricht has observed that religious arguments which look at first glance like generalizations are not this at all. He found that Basil the Great in his homilies used the text as a source of beginning points for arguments and reasoned about specific claims by enthymeme. The many statements taken from the text are not for proof through generalization but for *amplification*. An example from Innocent III will illustrate this amplification.

> Just as the sea is always stormy and turbulent, so the world remains always in storm and stress: nowhere is there peace and security, never is there rest and quietness, but everywhere toil and trouble. *For the whole world is seated in wickedness* (I John 5:19). *Laughter shall be mingled with sorrow, and mourning taketh hold of the end of joy* (Proverbs 14:13). With reason, therefore, the apostle laments: *Unhappy man that I am, who shall deliver me from the body of this death* (Romans 7:24)? And the Psalmist said, *Bring my soul out of prison* (Psalms 142:7). *Man is born to labor and the bird to fly* (Job 5:7). *All his days are sorrows and miseries, even in the night he doth not rest in mind* (Eccles. 2:23). *Great labour is created for all men, and a heavy yoke is upon the sons of Adam, from the day of their coming out of their mother's womb until the day of burial in the mother of all* (Eccles. 40:1).[10]

In a sense this is generalization but some of the statements seem to have little to do with the main claim. So, says Olbricht, it is more like amplification of a claim already accepted rather than support for a generalization which is being argued.

Perhaps this amplification is a special argument form used in religion and less likely to be found in other fields of argument. My speculation is that this is the case because I can think only of argumentation in the arts as having a similar application of amplification. Perhaps that is what happens in the accumulation of precedents in legal argumentation but I doubt it because the legal practice of demonstrating the existence of many precedents and the absence of contrary ones seems clearly to be an argument to establish a general principle and not simply an amplification of an accepted claim.

I recognize that the identification of amplification as a special form of religious argumentation is debatable. However, on another form, *paradox*, there should be little question of its uniqueness. A paradox is a riddle. A Hebrew psalmist says: "I will open my mouth in a parable; I will utter dark sayings from of old."[11] The Hebrew word which is translated as "dark sayings" is commonly translated "riddle." A riddle is a dark or obscure saying because it gives a deliberately obscure and puzzling description of something, a description which at first sight may well seem nonsensical but is not nonsensical when one hits upon the correct solution.[12] In short, paradox is used to force a new way of thinking which makes the contradictory non-contradictory.

Religious argumentation is the frequent user of such paradoxes, such riddles. Paul said, "We are afflicted in every way, but not crushed; perplexed, but not driven to despair, persecuted, but not forsaken, struck down, but not destroyed...for while we live, we are always being given up to death for Jesus sake."[13] Ignatious argued: "Of flesh and spirit, generate and ingenerate, God in man, true life in death, son of Mary and son of God, first possible and then impossible."[14]

How does one solve the riddle? How is sense found in this nonsense, the parable? By looking at the paradoxical argument in its context, as a part of the complete argumentative process. The seemingly contradictory descriptions of Christ--"Son of God," "Son of Man," "Messiah," "Lord," "Word" come together for the theologian to describe the mystery of something beyond ordinary language, incarnation--of God become man. Likewise, single paradoxical arguments make sense from context. So, "He that loveth his life shall lose it; and he that hateth his life in this world shall keep it unto life eternal,"[15] is a paradox which makes sense in the context of the greater value of eternal life.

Religious argumentation has characteristics which differentiate it from other fields of argumentation. It is substantially an interpretative act based as it is so heavily on sacred texts. It emphasizes enthymematic and analogical argument forms. It even has an emphasis on an atypical form, paradox, and a use of accumulation of evidence not for generalization but for amplification. It also has prevailing themes such as the nature of God, human beings, right and wrong, suffering, Fellowship with God, Immortality and the Church[16] which I have not discussed in this paper. Despite these distinguishing characteristics it is not easy to define because it involves a number of choices in the way it might be approached. I am convinced that there is a field of religious argumentation but its definition is subject to considerable argumentation.

1. Charles Arthur Willard, "Some Questions About Toulmin's View of Argument Fields"; Ray E. McKerrow, "On Fields and Rational Enterprises: A Reply to Willard," *Proceedings of the Summer Conference On Argumentation*, eds. Jack Rhodes and Sara Newell, (Salt Lake City: University of Utah, 1980), pp. 348-413.

2. George A. Kennedy, *Classical Rhetoric and Its Christian and Secular Tradition*, (Chapel Hill: University of North Carolina Press, 1980), p. 120.

3. John Macquarrie, *God Talk*, (New York: Harper and Row, 1967), p. 19.

4. Kennedy, p. 132.

5. John H. Leith, "The Bible and Theology," *Interpretations*, 30 (October 1976), p. 235.

6. James Barr, *Semantics of Biblical Language*, (London: Oxford University Press, 1961), pp. 11-12.

7. Matt. 5:13.

8. Macquarrie, p. 134.

9. T. Dewitt Talmage, "Victory For God," *American Forum*, eds. Ernest J. Wrage and Barnett Baskerville, (New York: Harper Bros., 1960), pp. 290-292.

10. Thomas H. Olbricht, "Medieval Instruction in Rhetoric," unpublished, nd.

11. Ps. 78:2.

12. Macquarrie, p. 29.

13. I. Cor. 13:12.

14. Macquarrie, p. 29.

15. John 12:25.

16. Harry Emerson Fosdick, *A Guide to Understanding the Bible*, (New York: Harper Bros., 1938).

INVESTIGATING LEGAL ARGUMENT AS A FIELD

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Research into argument fields carries with it the caveat that the scholar may be looking for that which does not exist. As it was with phlogiston it may be with fields: research tends to discover that which it sets out to find. Law, as an established institution in society seems particularly dangerous in that regard. As an especially communication/argumentation oriented profession it makes sense that the reasoned discourse produced in law should constitute a field. This may or may not be the case depending upon the models of argument that are ultimately generated. Research must proceed cautiously, creatively, and with a minimum of preconceptions.

What follows is a highly personal report on one person's efforts to investigate legal argument. After about twenty years at the task one might expect firm recommendations. Instead these comments are made with reservation: the years have included so many false starts and blind passages that today marks just another return to "GO" with a plan to start once again.

Still one more warning seems necessary. In the course of studying legal argument there is a danger of getting so close to the subject that the researcher essentially becomes a lawyer (in fact, many have). On the other hand, others have come to the field and spent a short time reading summaries of trials and a few great lawyers' reminiscences and jumped at once into research with annoucement that they understood law and communication. There is the equal danger of the person who spent one or two semesters in law school, decided to get a Ph.D. and behaves like a legal expert. The goal should be to know as much as possible about the operation of legal institutions without becoming a lawyer.

The following six points are arranged in a loose chronological order. That is, the sequence in which they are discussed seem to be a fairly good sequence for the researcher to follow. The points to be made are these: (1) Survey legal literature and legally oriented communication literature; (2) Survey published guides to legal practice; (3) Survey literature on judicial behavior; (4) Interview legal professionals; (5) Obtain specimens of legal discourse; (6) Devise a descriptive system and apply it to the data.

SURVEY SCHOLARLY LITERATURE

A fairly thorough background in the philosophy and history of law, with particular emphasis upon jurisprudence is important. Of course, there are thousands of pages in even an ordinary library on some aspect of law, so the reader needs to make some selections. My recommendations for a basic reading list were published in a short piece some years ago: "The Rhetoric of Law: A Bibliographical Essay," Today's Speech, 18 (Fall 1971), 48-57. With these items as a start anyone should be able to fill in more recent publications.

Similarly, there is now a sufficient body of research and commentary by communication scholars on various aspects of law that a survey should include them as well. Even those articles that do not directly address some aspect of argumentation can be of value. Again, I have had the immodesty to publish a review of that literature which could serve as a good starting place. It is "Argumentation and the Legal Process," in Robert Cox and Charles A. Willard, Eds., Advances in Argumentation, Carbondale: Southern Illinois University Press, In Press.

This survey of scholarly literature should establish some basis of the expectations and communication behaviors of lawyers. It will not, unfortunately, provide much information on legal argument as a field because not much has addressed that issue. The combination of legal history and philosophy on the one hand and the communication research on the other will probably leave some confusion between expectations in law and actualities. This should be a favorable state of mind with which to enter upon step two.

SURVEY GUIDES TO LEGAL PRACTICE

As with other professions, there is a gap between lawyers and legal scholars. Practicing lawyers regularly complain that the schools do not deal with the most important aspects of legal practice. This seems to be particularly so with regard to legal reasoning. Schools are accused by practitioners of teaching impractical and acommunicational reasoning processes. To correct this alleged failure, practitioners publish volumes each year on how to do legal reasoning from a practical, and usually from a communicational point of view.

These writings will be invaluable to the person searching for a field of legal argument as they come from the people who daily do the reasoning. However, these writings also fail in the sense that they reflect the impressions or guesses of lawyers, frequently shaped by what the writer feels ought to be said or what has "worked" well in that writer's practice. Generalization from these practical commentaries is dangerous. Finding these writings is not difficult. Some are listed in the reviews cited above. Others can be obtained from the Institute of Continuing Legal Education, Ann Arbor, Michigan.

This review should not be limited to trial practice. Reading should also be done on practical advice for appellate advocacy. In the search for a field of legal argument, one will encounter the problem of deciding where legal argument is. That is to say, to lawyers, "argument" is restricted to that discourse directed to a court on a point of law. This may occur from time-to-time in a trial when the judge hears counsel argue over an objection. Most specifically, one finds this kind of argument in courts of appeal. There the discussion is almost exclusively over points of law.

At this point, the researcher will have found what a communication trained person would call argument in legal memoranda, briefs, opening statements, direct and cross examination, trial arguments on points of law, closing summations, appellate briefs, appellate arguments, and possibly more. They will not all look alike, and the faith in the discovery of a "field" may wane. But the discoveries are not over yet.

SURVEY JUDICIAL BEHAVIOR

Two aspects of appellate decision making need to be examined for possible inclusion in a field of legal argument. The most prominent is the published opinions of courts in which the judges announce their decision and offer elaborate justification for it. This includes statements in dissent, which from an argumentation point of view, look a bit different from majority opinions. Since most law schools orient their instruction around examination of cases, which means judicial opinions, this form of legal argument is influential on other legal forums. Many would say that here is the essence of legal argument and it is here that the search for a law field should be concentrated. There are some commentaries on the process of such legal argument, mentioned in the reviews cited above, which will introduce the reader to the argumentation.

There are also increasing studies on the ways in which members of appellate courts argue with each other pursuant to reaching a joint decision. These arguments tend to be different from the ones that ultimately appear in the published decision. It is possible to find some references to this process, although the most significant American court, the Supreme Court of the United States, has carefully guarded their deliberations from the public.

Furthermore, since most legal proceedings are open to the public, the scholar can attend and observe trials, appeals, hearings, and quasi-judicial activities. With special permission--not too difficult to obtain--lawyers' interviews with clients and witnesses, and even negotiations with opposing counsel may be observed.

The problem is obvious. In some fields, it would be reasonable to expect that one instance of argument will be much like another so that a reasonable sample will be sufficient on which to base a study. In law, a sufficient sample would have to be drawn from each of these various instances of legal argument. To do otherwise would be to pre-judge the research question. On the surface, these instances of discourse seem quite different. Upon examination, it may be possible to discover the underlying thread that holds together the field of legal reasoning, but they must all be examined before that can be found.

DEVISE AND APPLY A DESCRIPTIVE SYSTEM

If more argumentation scholars had engaged in the search for fields the task of descriptive analysis would be easier because of the availability of established systems. Because this is not the case, at this point in our scholarly development the researcher will need to start with the construction of a system.

Neither have contemporary argumentation scholars come to an agreement on the concept or philosophy of argument to guide a study of law as a field. Consequently, there is no established methodology or design with which to conduct such an investigation. In the absence of any guide, the researcher will have the job of devising a philosophy, methodology, and justification at first. Until the community—argumentation scholars—comes to some central tendency on these questions, satisfaction with the search for argument fields will be frustrated.

Let me suggest, and briefly describe, seven approaches which seem worth consideration. They are these: (1) psychological; (2) discourse descriptive; (3) argument ecology; (4) dramatistic; (5) Toulmin layout; (6) rhetorical logic; (7) formal logic.

The psychological method would concentrate on the personal constructs of the actors in the legal scene, or upon the domain-specific aspects of the cognitive development of those in law. The most developed methodology is probably that of Personal Construct Theory. Here a central question, phrased in legal terms, would be, "What are the characteristics of thinking like a lawyer, and to what extent do they constitute a discernible field of argumentation. It has already been suggested in this paper that to people in law there is clearly something to the phrase "legal thinking." It surely has a relationship to the kinds of discourse lawyers produce.

INTERVIEW PRACTITIONERS

Knowing a lawyer or two, or even a judge, or having one in the family is not sufficient to inform the argumentation scholar of the ways in which practitioners perceive their reasoning. To come to a serious understanding from personal interaction, a series of interviews should be set up. Lawyers of various specialties and backgrounds will provide different perspectives on argumentation. Criminal trial lawyers will have a perspective somewhat different from the civil lawyer. Civil lawyers who specialize in personal injury cases see things differently than do those who spend their time on divorce or bankruptcy. Lawyers who spend a good deal of their time in court will have a perspective other than those who rarely or never argue a case. These, too, should be interviewed. The interviews should include lawyers old and young, exceptional and ordinary.

The same approach to interviewing should be directed toward judges as well. Judges in various courts and various jurisdictions will probably give a slightly different view of legal argument.

In the course of interviewing, questions about the meaning of learning to "think like a lawyer" will probably be provacative. This may open up the discussion to some of the elements that make legal argument distinctive.

OBTAIN SPECIMENS OF LEGAL REASONING

Data for research in legal reasoning are relatively easy to obtain. Unlike other fields in which verbatim transcripts will be difficult to find or make, the law conveniently provides the scholar with volumes. In fact, it is a source of some wonder that more research is not done in communication and law because of this availability of data. Not only are written transcripts kept of legal discourse at all levels, increasingly there are videotapes available as well.

The person trying to characterize a field of legal argument may find this availability of data actually to be a problem instead of a blessing. Where will one draw limits on data to be investigated before drawing some conclusions however tentative? Every court clerk's files are filled with transcripts of pleadings, interrogatories, and replies. Law firms keep volumes of depositions, trial transcripts, appellate briefs and the like which they are usually willing to allow a scholar to examine. Appellate courts usually publish opinions which are available in libraries as well as the court. In some instances, such as the Supreme Court of the United States, it is possible to obtain a transcript of the oral argument before the court as well as the majority opinion of the court and any dissents.

The discourse descriptive method has at least two or more manifestations. One method which has already appeared in the literature is that of carefully describing the kinds of argumentation found in all the various aspects of law. Here the writers have first displayed all the communication situations in which lawyers typically find themselves: interviews, negotiations, memoranda writing, briefing, pleading, trial advocacy, appellate advocacy, judicial decision making, presentations to quasi-judicial bodies. Then, the kinds of argumentative communication in each of these situations is described. From an overview of this work the reader can see the points of commonality within legal discourse.

Another discourse descriptive method that is being developed in relation to conversational argument is to approach the task from a linguistic perspective. Viewing argument as speech acts, samples of such acts are carefully described in terms of the rules that are operative. One may follow the method that views arguments as disagreement relevant speech act expansions and then notice the rules that seem characteristic of law. Or, one may develop a system of coding categories that appear in legal arguments for ultimate comparison with those in other fields.

Argument ecology owes its identity to the work of Toulmin in his Human Understanding, with liberal additions and interpretations on my part. To my knowledge, it has not appeared in the literature, although I hope soon to find a daring graduate student who will try it. Such a study would involve a longitudinal, system-wide examination of legal discourse. That is, a span of years would be selected; the length is yet to be determined. It could be that some samples from Greco-Roman law could be selected, along with some from English common law, and then some from legal development in the United States. Or, one could choose to look only at the United States for from fifty to two hundred years.

Regardless of the span of time selected, the scholar would then set out the details of the legal system from standard legal issues, through advocacy, to judicial decision making. Then the task would be one of charting the argumentative elements that survive over time and throughout the system. Various definitions of "argumentative element" or argument could be used. The theory would be that those arguments that pervade the system and persist over time are the identifying characteristics of law as an argument field.

A dramatistic or story-telling approach has been tried with success with regard to trial advocacy. Whether or not it has application to other aspects of legal discourse remains to be seen.

Essentially the theory involved here is that all legal problems ultimately involve selecting one version or story over another. At the trial level, this is easily seen. Whether the case is a criminal charge, a civil conflict, or a judgment on one country bombing another, two or more sides come to an adjudicating agency to tell their story with the hope that the court will take their story as fact. All the elements of character, plot, scene, and the like that are well established in literary criticism and can be applied to this discourse.

At the level of questions of law, it may well be that some of the principles of hermeneutics, as used in literary textual analysis, may reveal the unique characteristics of legal argument. It takes no stretch of imagination to view briefs, memoranda, oral arguments, and decisions as representing a legal drama suitable for such dramatistic analysis.

Toulmin's layout has proved to be an effective tool for describing legal reasoning. Here the questions to be answered include these (1) in what way is law a forum for argument; (2) what is the nature of legal issues; (3) what are the essentially contested issues in law; (4) what is the nature of legal decisions; and (5) what are the characteristics of legal arguments in terms of claims, grounds, warrants,modalities, rebuttals?

This approach could be combined with the ecological one. If the five questions above were answered for legal argument over a significant period of years, the distinguishing aspects of legal argument could be effectively discovered. Just as easily, the Toulmin approach could be applied to the legal argument of any period, including the contemporary one, in order to set forth the nature of law as an argument field for that time.

Rhetorical logic is well developed in neo-Aristotelian criticism. A number of rhetorical analyses of legal arguments have appeared in the literature. They have been performed in relation to trials, appeals, and in the work of noted lawyers and jurists. From these and future work one can begin to see in what way law is a specialized field of argument.

An advantage of this approach to the search for a field of legal argument is the demonstration of the rhetorical/communication nature of so much that is called "the law." Or, it may show how much rhetoric and law come from the same roots. Legal analysis can be shown as truly rhetorical, as are the characteristics of its arguments. Forms of support, particularly the rules of evidence which some have tried to present from a positivistic view, will be revealed as rhetorical. Briefing and case building in law also display the unusually persuasive aspects of argumentation in law.

Formal logic has traditionally been claimed as the rationale of legal reasoning. While there is too much respectable writing showing that formal rules do not account for the generation of the decisions themselves, legal training exhorts lawyers to use logic in the presentation of their ideas. So, it is possible that a critical examination using the rules of formal logic may demonstrate the characteristics of law as a field.

Some philosophical writing has sought to do the job of formal analysis of legal discourse. Of course, this approach would tend to diminish or eliminate the rhetorical aspect of legal reasoning. However, this may be worth doing, if only for a while, in order to expose some of the distinguishing aspects of legal argument.

CONCLUSION

Assuming the examination of law as an argument field is the goal, this paper has presented a format for a program of research. Five steps have been recommended including surveys of legal and communication scholarly literature, guides to legal practice, writing on judicial behavior, interviews with lawyers and judges, obtaining data, and setting up a system of analysis.

Seven possible paths to analysis have been suggested including psychological, discourse descriptive, argument ecology, dramatistic, Toulmin's layout, rhetorical logic, and formal logic. Some ideas for their use have been given, but the full development of methodology remains to be done in most cases.

Finally, it needs to be said that in all this there has been a problem of assuming law to be an argument field and going out to find it. This will not suffice. Colleagues in our field must, at the same time, be examining other potential argument fields with which we can compare what happens in law. We may find that our concept of field is either too narrow or too broad. We may find that the central focus is not law, or science, or any other professional identification. It may be form, or function, or process. Elsewhere in this volume I have presented a study of reasoning in supplication. Such broad purpose categories may prove to be more useful than the popular labels we have used heretofore such as politics and religion, or law.

JURISPRUDENTIAL ORIGINS AND APPLICATIONS OF PRESUMPTION AND BURDEN OF PROOF

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Introduction*

The question concerning jurisprudential origins and applications of presumption and burden of proof leads to administrative, legislative and judicial proceedings which bridge many gaps related to enacting, implementing and interpreting significant legistlation. Similarities among the forums center on preponderance of evidence as the predominant standard required to overcome presumption and fulfill the burden of proof. Presumption can shift from one side to the other depending upon a variety of circumstances which are determined on a case-by-case basis under some specified guidelines. An attempt will be made to decipher when the presumption may shift from the respondent to the challenger and how the respondent may be protected against the reversing process.

The "beyond a reasonable doubt" standard distinguishes and alters the nature of presumption and burden of proof in criminal trials, though they remain consistent in these proceedings. As a result, basic rules of evidence provide the conceptual framework for determining the strength of presumption and burden of proof in administrative and judicial contexts.

Administrative Hearings

Similar to legislative hearings and the court of law, in administrative hearings the challenger usually has the burden of proof and must assert it with a preponderance of clar and convincing evidence. Also similar to judicial proceedings, administrative harings experience limited instances in which the respective roles of presumption and burden of proof reverse traditional sides.

Burden on the Challenger

It has been suggested that under normal and probably most circumstances the burden of proof is placed on the challenger to offer a preponderance of evidence in support of its case. This principle may be illustrated in a description of the following two cases.

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*My thanks to David A. Thomas for the idea which this paper attempts to develop.

The first case illuminating the issue is the one of United States v. Wunderlich.[1] Here the court held that administrative decisions are final under government contract. It concluded that the burden of proof rests with the challenger. In this case, the Court of Claims set aside as arbitrary, caprisious, and highly erroneous a decision of the Secretary of Interior in a dispute concerning a question of fact arising under a government contract. Here a provision stipulated the decision final and conclusive in regard to the parties under contention.

On appeal, six members of the United States Supreme Court reversed the decision on the ground that the administrative decision could be challenged only upon both allegation and proof of fraudulent conduct such as conscious wrongdoing with an intention to cheat or engage in dishonesty.

The United States Supreme Court reached a similar conclusion in the case of Coleman v. Paccar, Inc.[2] Here the Court found that when administrative determinations are involved, the burden of proof lies on the side of the party seeking stay of enforcement pending judicial review. Where consolidated proceedings considered by the United States Court of Appeals for the Nineth Circuit were at stake, certain automobile manufactuers challenged the validity of a motor vehicle safety standard promulgated by the Secretary of Transportation's delegate. Prior to disposition of the proceedings on the merits of the case, the Court of Appeals entered an order staying enforcement of the safety standard conditioned upon a subsequent order of the Court. The Secretary of Transportation then applied to the Circuit Justice to vacate the stay order.

Serving as Circuit Justice, Rehnquist granted the application to vacate the stay on the gounds that (1) the record showed that the Court Appeals, before issuing the stay, has not found that the automobile manufacturers would probably succeed on the merits, and (2) the Secretary of Transportation indicated that the harm resulting from the stay could not be redressed in favor of the automobile manufacturers on the merits of the case. Rehnquist reasoned that during the period of time in which the stay was in effect the manufacturers were free to produce and stockpile for later sale as many noncomplying vehicles as they were capable of producing. Hence the goals of the federal motor vehicle safety program were substantially impeded.

An application by the Secretary of Transportation to vacate a United States Court of Appeals' stay of a motor vehicle safety standard, promulgated by the Secretary's delegate, was granted by an individual Justice of the United States Supreme Court, as Circuit Justice, pursuant to his authority under Rules 50 and 51 of the Supreme Court's Rules and 28 U.S.C.S S 1651 to issue writs in aid of the Supreme Court's jurisdiction where the two conditions mentioned above are evident.

Burden of the Respondent

Rules of evidence may also be illustrated in administrative hearings while remaining consistent in some respects with their use in judicial decisions. They have been employed by the Federal Trade Commission and upheld by the court system following an evolution of cases which has led to the adoption of the preponderance of evidence standard for presumption and burden of proof. The burden of proof standard has shifted from the challenger to the defendant in advertising substantiation cases, the evidence standard supporting it evolving from actual proof to clear and convincing evidence, substantial evidence, and finally a preponderance of evidence.

For example, actual proof was required to establish that claims were untrue in the Geritol cases.[3] Following these decisions, it was decided in American Home Products v. Johnson and Johnson (Anacin v. Tylenol), that the burden of proof rests with the respondent to establish with a preponderance of evidence its advertising claim of superiority over another product.[4] The reversal of the presumption and burden of proof standard was adopted from the Federal Drug Administration for advertising substantiation claims in this 1977 case.[5] The court concluded that the Federal Trade Commission was correct in applying the Federal Drug Administration standard and regulations as the minimal criteria for substantiation of advertising claims.[6] The case of Warner-Lambert Co. v. Federal Trade Commission,[7] also decided in 1977, was cited to the effect that even though the substantial evidence standard has not been met there, it would reaffirm its preponderance of the evidence test.[8]

Such decisions appear to have emerged from the earlier case of Consumers Association of District of Columbia v. CBS and WTOP-TV. The court not only decided that the normative burden of proof must be to the reasonable, average person, but that, while clear and convincing evidence would be taken into account, a preponderance of evidence must be demonstrated.[9]

Conclusion and Extension

The trend seen in the reversal of the presumption and burden of proof standard reflects not the general rule of presumption and burden of proof required in administrative hearings, and in the court of law, but rather one which is tailored to the interest of consumer protection. It should be viewed more as an exception than as a rule. While the burden of proof is on the challenger to establish a preponderance of the evidence in most administrative hearings, the deceptive business practices exception is a question of constitutional law intended to give the consumer a greater degree of protection.

The change of standard in limited cases is based on the risk of uncertainty. The burden of proof falls on the side displaying the greatest risk of uncertainty. Such instances might arise in a variety of areas. For example, in considering whether the Federal government should substantially increase its regulation of life-creating technologies, Richard Huber, Dean of Boston College Law School, illustrated this theory vividly in the following words:

> When we have a most serious risk to the public, or a possibility thereof. . . it is proper that the burden of proof fall upon the proponents of the research. This is a balancing process. When the public detriment can far exceed--or may far exceed--the private benefit, the burden is on those who wish research to continue to be unfettered. This would be true, for example, in nuclear, poisonous gas and similar dangerous research.[10]

Legislative Hearings

Legislative hearings follow the same procedural rules of presumption and burden of proof seen in most administrative and judicial proceedings. The burden remains with the challenger to prove its case. For example, the burden of proof has been placed upon the prosecution of the witness for refusal to appear or to testify or to produce papers in a congressional investigation. Such instances have occurred in comtempt proceedings of Congress. Any refusal to meet this burden may result in trial and punishment either by Congress itself or by the courts under the statutory provisions of the law as upheld by the court.[11] Furthermore, it might be observed that any contemptuous conduct can be tried and punished only by the appropriate House of Congress with the exception of the example identified above where the court came into play.[12]

The role of presumption and burden of proof may be less significant in legislative committee hearings because they are less formal. Some of the possible reasons will be extrapolated from a study made by Kristine M. Davis. It provides a description of communication in legislative hearings. The transcripts of 48 committee hearing sessions from the 1971 discussions of national health insurance were examined using a content analysis technique. Seven attributes of members' remarks were studied. They included problem/solution orientation, but not presumption and burden of proof.

It is possible that presumption and burden of proof were overlooked because these concepts lacked significance in the deliberations. An overview of the report on the investigation at least implies that such an interpretation may be reasonable. The reasons are provided as part of Davis' findings in the following terms:

> Over 40% of the hearing discussion addressed neither problems nor solutions. More discussion of solutions than problems might be expected in such policy-making bodies as congressional committees: this assumption held true for all the hearings which took place in Washington. . . . In the field sessions conducted by the Health subcommittee, 34.3% of remarks were problem-oriented while only 11.1% were solution-oriented.[13]

The predominant record building function, the nonargumentative nature of remarks, and the member commentary as

> to the "real" debate to follow the hearings reinforce Rives' notion that hearings can be viewed rhetorically as an invention phase in a larger discourse generating system. Other findings within the study, however, suggest that this invention period is not a random phenomenon, that committee members and witnesses do not appear as participants in a public "brainstorming" session. Rather, the discussion is directed by committee members in such a way as to enable them to gain useful substantiation for pre-existing hypotheses, contentions, and positions. The legislative hearing then, is an intermediate step in the generation of policy debate and has characteristics which set it apart from both other types of committee hearings and from other activities in the legislative process.[14]

The question of the jurisprudential origins of presumption and burden of proof may best be viewed in the context of civil procedure and administrative hearings. Both criminal and civil judicial proceedings will thus be examined in the following pages for the purpose of illustrating their similarities and differences.

Judicial Proceedings

It has been indicated that most hearings and proceedings point to the burden of proof on the challenger. While this burden consists of a preponderance of evidence in administrative hearings and civil procedure, proof beyond a reasonable doubt is required in criminal trials.

The role of presumption and burden of proof in criminal proceedings may differ from administrative and civil proceedings for a variety of reasons. John Gossett has suggested in a sound and probative study that the stock issues in legal argumentation are and must be based on the role of fact, not value and truth.[15] Although Gossett recognizes that: "At a very rudimentary level, argument exists in the field of civil law, the field of criminal law, and the field of appellate Law," his essay is an investigation into the types of criminal trials.[16]

The role of value may have some effect on the outcome of criminal trials. Nevertheless, value orientation may be more flexible in administrative and civil proceedings. The role of fact is probably equally significant in all cases. These variables may have some effect on the differing evidence standards employed in meeting the burden of proof in criminal cases.

Criminal Law

Not only does the defendant appreciate a presumption of innocence in criminal cases, but the prosecution must prove the defendant guilty beyond a reasonable doubt rather than with a mere preponderance, or even substantial, evidence that is clear and convincing. The reasonable doubt standard has been adopted in all forms of criminal procedure. For example, the prosecution for criminal contempt has the burden of proving beyond any reasonable doubt that the accused committed theoffense charged. The prosecution must prove beyond a reasonable doubt that the defendant intentionally refused to obey the court's order through its failure to produce the materials demanded despite their availability. This process must occur before a person can be found guilty of contempt for failing to comply with a *subpoena duces tecum*.[17]

Civil Law

The standard of proof in civil procedure cases ranges from a continuum with intent as an essential element of the offense at one extreme to strict liability or liability without fault at the opposite end of the continuum. The need to prove negligence as an essential element of the offense falls midway between the extremities of the continuum. The showing of a preponderance of evidence on the part of the challenger is required to meet the burden of proof in most cases. Presumption is reversed in some cases, placing the burden of proof on the respondant who then has the responsibility of producing a preponderance of the evidence.

Burden of Proof

A typical negligence case places the burden on the plaintiff of (1) pleading the defendant's negligence, (2) producing evidence of negligence, and (3) persuading the trier of fact of its existence. The defendant will usually have the same three burdens with regard to the contributory negligence of the plaintiff.[18]

The term "proof" is an ambiguous word. Nevertheless, it has been interpreted as "the end result of conviction or persuasion produced by the evidence."[19] Similarly, the term "burden of proof" may be considered equally ambivalent. It encompasses two separate burdens of proof. One is that of producing evidence, satisfactory to the judge. The evidence must be of a particular fact that is generic to the issue under consideration. The second is the burden of persuading the trier of fact that the alleged fact is true.[20]

Burden of Persuasion

The significance of the burden of persuasion standard has been questioned at least primarily if not solely as compared to the burden of producing evidence. The burden of persuasion standard becomes a crucial factor only if the parties have sustained their burdens of producing evidence and only when all of the evidence has been introduced. This burden does not shift from party to party during the course of the tiral simply because it need not be assigned by the judge until it is time for a decision. When this time for decision arrives, the jury, if there is one, must be instructed how to determine the issue if their minds remain in doubt. According to *McCormick's Handbook of the Law of Evidence*:

> The jury must be told that if the party having the burden of persuasion has failed to satisfy that burden, the issue

> is to be decided against him. If there is no jury and the judge finds himself in doubt, he too must decide the issue against the party having the burden of persuation.[21]

The process of allocating the relative burdens of proof in negligence cases is not an easy or simple one. It depends upon a diversity of circumstances with complex nuances which have been specified and which vary in their applications throughout the full range of common law. Each is so complex and confusing that only carrier, personal injury, and environmental control standards will be discussed in this paper.

Carrier Cases

Reversing the Burden of Proof

Under federal law, a shipper suing a carrier for damage to a shipment establishes a prima facie case when he showed delivery in good condition, arrival in damaged condition, and the amount of damages, whereupon the burden of proof is on the carrier to show both its freedom from negligence and to provide evidence that the damage to the cargo was due to one of the excepted causes relieving the carrier of liability. Generally Federal law does not distinguish between perishables and nonperishables nor does it absolve a carrier from liability for damage to perishables upon proof that it exercised due care and complied with the shipper's instructions. However, an exception is found in the case of loss arising from injury to livestock in transit. Such a rule is a well-established limitation to the general, common-law principle based on the peculiar propensity of animals to injure themselves and each other.[22]

The general rule applies in the case of perishables, placing on the carrier the affirmative burden of proving both its freedom from negligence and that the damage to the cargo was due to (1) the act of God, (2) the public enemy, (3) the act of the shipper himself, (4) public authority, or (5) the inherent vice or the nature of the goods.[23] The question under consideration in this case is one of evidence rather than substantive law. It presumes that the goods were delivered to the carrier in good condition, and that they were received by the consignee in a damaged condition.[24]

The elements of the prima facie case and presumption operate as counterparts to create a risk of nonpersuation and burden of proof which makes it necessary for each respective side to in turn go forward with the evidence. Most of the cases:

> have apparently used the terms "prima facie case," "presumption," and "burden of proof" interchangeably, and without distinguishing, expressly at least, between the different sense in which the latter term is used. It should be observed, finally, that a declaration to the effect that there is a presumption in favor of the plaintiff, or that the burden of proof is upon the defendant

has the burden of proof in terms of the risk of nonpersuasion.[25]

It should be noted, however, that actions for res ipsa loquitur (that the thing speaks for itself) personal injury, which will be considered in the following section, are entirely beyond the scope of the present issue.

Disputes of the kind described here require a preponderance of evidence to overcome the presumption of negligence. In other words:

> Whenever the plaintiff makes out a prima facie case, he is entitled to rest, and the defendant is then called upon to meet the proofs and show the contrary. In cases of this character, the rule justly calls upon the carrier to meet the presumption of negligence by showing a state of circumstances which otherwise accounts for the damage, and this it must do by a preponderance of evidence.[26]

The court upheld a rule in this case to the effect that when goods are delivered for transportation in sound condition to a common carrier, and by it delivered to the consignee in a damaged state, the presumption arises that the damage was caused by negligence of the carrier. The defendant is therefore required to prove the contrary by a preponderance of evidence. This rule applies to perishable fruit. The carrier is therefore compelled to prove the contrary by a preponderance of evidence. This rule applies to perishable fruit, and the carrier is required to exercise reasonable care in its handling of it. The carrier must exercise reasonable care, to take into consideration the character of the fruit, condition of the weather, and the time necessary to complete transportation.[27]

Maintaining the Burden of Proof

The question whether presumption and burden of proof are reversed in carrier cases depends upon the facts of each particular case. There is no general theory or guiding principle which applies to all such cases. For example, unlike the cases and conclusions discussed above, the court found it erroneous to instruct a jury that a finding that goods were delivered to a carrier in good condition and arrived at their destination in bad condition shifted the burden of proof from the plaintiff to the defendant. Despite the instruction of the judge, the rebuttal of prima facie case became the same as the burden of proof. The court suggests that the plaintiff's prima facie showing merely takes the case to the jury, and no more.[29] The defendant had only been burdened with carrying forward the argument, allowing the jury to decide whether the defendants response was sufficient to overcome its risk of non-persuasion.

The thin line which distinguishes presumption and burden of proof, perhaps disguising both, appeared in dictum in the case of Duncan v. Great Northern Railroad Company. Here the court extends its analysis suggesting that the burden of proof changes, meaning apparently that the defendant has the burden of overcoming a presumption raised by proof of the same facts.[30]

Accordingly, on proof of delivery of the property to the carrier in sound condition, and of its redelivery at the end of the route in damaged condition, or a failure to redeliver it, a sufficient case is made to sustain a recovery for the damages or loss by the shipper. The burden of proof is upon the carrier to exempt himself from liability in case of loss or damage by showing that it was occasioned by one or more of the exceptions mentioned above. The five exceptions referred to earlier have been summarized as follows: (1) An inherent defect, vice, or weakness of a spontaneous action of the property itself; (2) the act of the enemy of the United States or of this state; (3) the act of the law; or (4) any irresistible superhuman cause.[31]

These exceptions have been made to § 5690 of Revised Codes which read in the following way:

> Unless the consignor accompanies the freight and retains exclusive control thereof, an inland common carrier of property is liable from the time that he accepts until he relieves himself from liability pursuant to sections 5638 to 5641, for the loss or injury thereof from any cause whatever. . .[32]

An attempt to solve the misunderstanding and confusion discussed above has been made. The common-law presumption is abrogated by an agreement between the shipper and carrier that the former shall have the duty of proving negligence on the carrier's part.[33] The Court has upheld such contractual provisions in the following terms:

> Usually the plaintiff, in an action such as this, sustains the burden of proof by showing the delivery of the carrier in a proper condition, and by showing the delivery by the carrier in a damaged condition. From these facts, the loss generally raises a presumption that the damage occurred through the fault of the carrier. In the instant case, however, the parties have agreed that the carrier shall not be liable unless it is proved that the damage was occasioned by the negligence of the defendant. By that clause they agreed to abrogate the common-law presumption, and the shipper assumed the burden of proving by evidence, rather than by presumption, that the damage was caused through the negligence of the defendant.[34]

Short of such an agreement, the plaintiff must at least allege that the perishable goods delivered to the carrier for shipment were in good condition, in order to raise an inference of negligence which must be rebutted on the part of the carrier.[35] In a later case the court amplified this principle by recognizing that the condition precedent of showing that previous good condition must be satisfied, and coupled with the fact that any damage of the kind in question was readily observable from the most casual inspection, amply established the prima facie case and satisfied the presumption that the goods were received in good condition. The limits of the presumption are stated as being that the acknowledgment was "prima facie evidence that, as to external appearance and in so far as its condition could be ascertained by mere inspection, the goods were in good order, and the burden of going forward with the evidence and rebutting the presumption raised be such an admission falls on the carrier."[36]

Summary, Extensions and Conclusion

The burden of proof has been determined by the law and the court as the carrier's responsibility for goods received in good condition and delivered to the consignee in bad condition.[37] Additionally, presumption from derailment requires submission to the jury of the carrier's negligence in an action by the passenger, notwithstanding uncontradicted evidence negativing negligence.[38] Presumption exists in favor of negligence from throwing a passenger from the seat.[39] The court has found res ipsa loquitur, or presumption, of inference of negligence on the part of the carrier, where the passenger is injured by an object coming from outside, through, or against, the window.[40] The law provides for a statute creating presumption of negligence against a railroad company as applicable to the receiver operating road.[41]

It appears that unless a contractual arrangement is made between the shipper and carrier, to the effect that the former shall have the duty of proving negligence on the carrier's part, the presumption easily shifts to the carrier-defendant-respondent regardless of the judge's instructions. The burden of proof is on the plaintiff-complaintant-challenger only to the extent that the good condition of the merchandise upon delivery to the carrier has been established. Thus, whether these conditions reverse the burden of proof, shift it, or require the defendant or respondent, as the case may be, to carry the argument forward may be little more than a question of interpretation or semantics. In either case, the distinction is certainly a very fine line.

Personal Injury Cases

Res Ipsa Loquitur

It has been indicated above that the burden of proving negligence in res ipsa loquitur cases is different than the relative burdens discussed in a series of carrier cases. Res ipsa loquitur means that the thing speaks for itself. It is a rebuttable presumption arises upon proof that the instrumentality causing the injury was in the exclusive control of the defendant and that the accident was one which ordinarily does not occur in the absence of negligence. Res ipsa loquitur is a rule of evidence whereby negligence of the alleged wrongdoer may be inferred from the mere fact that the accident happened, provided the character of the accident and the circumstances attending it lead reasonably to belief that in the absence of negligence it would not have occurred and that the cause of the injury is shown to have been under management and control of the alleged wrongdoer.[42]

The happening of an injury permits an inference of negligence, according to the doctrine of res ipsa loquitur, where the plaintiff produces substantial evidence that the injury was caused by an agency or instrumentality under exclusive control and management of the defendant. The occurrence must be such that it would not take place if reasonable care had been exercised in the ordinary course of events.

Res ipsa loquitur leads only to the conclusion that the defendant has not exercised reasonable care, and is not in itself any proof that he has under a duty to do so.[44] Such a condition does not constitute per se negligence, unlike the standard found in carrier cases. Thus, a trespassor or a licensee injured by the condition of the premises may still have no privilege to recover even though the facts speak for themselves.[45]

Applications and Extensions

Negligence and contributory negligence, causation, skill or care, as they relate to presumption and burden of proof in personal injury cases may be illustrated in terms of the following examples: (1) Ownership of an automobile is prima facie evidence of responsibility for negligence on the part of the individual operating it.[46] (2) A statute has been enacted which places the burden of proof as to contributory negligence on the defendant or creates a presumption against contributory negligence as applicable to actions by one person for consequential damages resulting from injury to another.[47] (3) Due care. (a) Direct evidence as to what took place at the time of an accident displaces presumption arising from instinct of self-preservation that one was acting with concern for one's own safety. (b) Presumption as to due care at the time of an accident operates in favor of one who survived injury unless, because of loss of memory or other mental or physical condition, is, or is claimed to be, incapable of testifying intelligently as to the accident.[48] (c) Presumption of due care by a person killed in an accident supports or aids the inference that the latter's negligence was the proximate cause of the accident.[49] (4) The infected or tainted condition of mild or other food, or contamination in water, and its causation of the sickness of the consumer, is inferable from such sickness.[50] Presumption therefore operates in favor of negligence from foreign substances found in food.[51] (5) The doctrine of last clear chance retains the burden to proof.[52] (6) Pleading want of contributory negligence serves as a waiver of the right to presumption of freedom from negligence.[53]

Environmental Control

The tradeoff between control and the need for energy and increased productivity has created mixed reactions to the proper or accepted role of presumption and burden of proof when excessive pollution has been alleged. In either case the burden of persuasion and the burden of proof remain constant regardless of whether they benefit the challenger of the defendant.

Burden of Persuasion

The burden of persuasion seems to be consistent with the process employed in both administrative and legislative hearings. The context of environmental control provisions and regulations offer generally accepted standards for both administrative and legal proceedings. They have been formalized in the following way:

> Defendant's order of proof should be directly related to the prime objective of defense counsel in building up his client's public image. Every industry has in its managerial ranks an individual who personifies the qualities that counsel wishes to emphasize. This individual should be articulate, persuasive, sincere and distinguished in appearance. Frequently, he will be found in the sales division or in public relations. . ..Such witness should be first in the order in which the defense presents its witnesses. It will be up to this witness to convey to the jury a favorable impression of the industry with respect to its concern over the environmental impact of its operations and with its desire to be a good citizen and neighbor.[54]

Burden of Proof

Expectations in meeting and fulfilling the burden of proof under pollution guidelines appear to be roughly the equivalent of those which fall under the aegis of administrative hearings. The means of doing so under environmental control regulations have been described as follows:

> After such witness or witnesses have testified, defense counsel is ready to go into the technical considerations involved. Expert witnesses should be called next in order to testify that the pollution control equipment in use is the best equipment in existence. . . ."[55]

Reversing the Burden of Proof

The role of presumption and burden of proof as they relate to environmental control is similar to the role they play in administrative hearings to the extent that conditions make it possible for a shifting process as proof becomes more difficult for the challenger. The reversal was discussed early in 1970 this way:

> Another change in legal methodology would speed abatement proceedings significantly: namely, shifting the burden of proof. At present, governments must prove that an industrial defendant is guilty of polluting. This is sometimes a difficult task, particularly with hard-to-track pollutants and with industries that are uncooperative. If the burden of proof should be shifted to an industry so that industry must prove it is not breaking any of the legal regulations or overpolluting, this would radically change the problem. This shift of the burden of proof, along with some of the changes outlined

> above, could mean significant and rapid progress in pollution control as has been the case in federal aid to education and school integration.[56]

One of the first states to pass such a law was Michigan. The legislature enacted a statute which places the burden of proof on the defendant to show that the alleged po-lution is unavoidable. Legislators felt that, since big polluters usually had more financial resources and technical knowledge than individual plaintiffs, environmental suits had been hindered for economic reasons.[57] Several state governments have attempted to meet the conditions discussed in theory above. It was believed that the reduction in pollution would be significant if the burden of proof were reversed. It was argued that there was a provable bias against conservation, even when a substantive case could be made for it by the plaintiff. The systematic bias against conservation meant that in case of doubt the judge decides against conservation. Reversing the burden of proof also intended to remove this second barrier to the successful prosecution of pollution cases.[58]

Conclusion

It has been seen that the strength of the presumption and burden of proof may vary depending upon the circumstances of the case. Not only is this relativity true within the framework of negligence cases, but it applies in other ways when the strict liability and intent standards are imposed. Strict liability permits recovery without any proof of negligence. This standard is often employed in defective food and motor vehicle cases,[59] yet it is not employed in cases of defamation, libel, or slander. The strict liability application is highly limited.[60]

The opposite extreme from strict liability, that of intent (negligence remaining somewhere in the center as a burden of proof standard), is a form of proof which may be imposed in various cases, including those of public figures who are illegedly defaced.[61] Such a showing of intent is a burden of proof which applies in criminal trials as well.

Res ipsa loquitur personal injury cases differ from carrier cases in that common law prohibits contracting away the right of physical self protection when it involves contaminated food, etc. Nevertheless, pleading want of contributory negligence serves as a waiver of the right to presumption of freedom from negligence. It would take another article, thesis or dissertation to compare and contrast presumption and burden of proof in *res ipsa loquitur* personal injury cases with carrier cases. It was indicated that they differ in other ways as well.

Similarities appear evident between advertising substantiation cases and environmental control proceedings. Both can be heard by administrative agencies, prosecuted by administrative agencies, or by private plaintiffs. Either could be described under administrative hearings or civil proceedings. The difference is that presumption and burden of proof can shift from the challenger to the defendant on the Federal level in advertising substantiation cases, while it transfers in some states where pollution control violations are contested in civil proceedings. Each instance attempts to offer the consumer greater protection for a variety of reasons that have been identified and discussed.

Legislative committee hearings sound a different chord. Although they should represent public policy values, they tend to reflect the vested interests of their respective constituencies. As a result, the role of presumption and burden of proof appears to be virtually, if not totally, irrelevant. Rather the concern and focus of the deliberations seems to be more on politics than on issues. Consequently, there seems to be a wide gap between how policy is made and how policy should be made in legislative committee hearings. It is possible that sounder policy might be proposed and considered on the committee level if some sort of systems approach were taken in an effort to adapt to and perhaps better fulfill universal needs through a contemporary application of presumption and burden of proof in public policy debate.[62] Malcolm O. Sillars appropriately suggested that presumption should lie on the side of society's values. Sillars' position is that values determine presumption in terms of society rather than on the basis of Aristotle's topoi. Sillars contends that the empathy level one participant has for another may be important in determining topoi for that context.[63]

Satisfying the burden of persuasion depends upon the nature of the case--whether it is an administrative hearing or a criminal or civil trial. According to custom and tradition, the party charged with the burden of persuasion of a fact must prove such facts in criminal prosecution beyond a reasonable doubt. The party who had been delegated the burden of persuasion must prove its facts in all cases. Furthermore, the burden of proof and persuasion must be met by a preponderance of evidence in administrative hearings and civil proceeding, and proven a reasonable doubt, as we have seen, in all criminal cases.

Clearly attempts to define these somewhat equivocal terms in the following way:

> The "reasonable doubt" formula points to what we are really concerned with, the state of the jury's mind, whereas the other two divert attention to the evidence, which is a step removed, being the instrument by which the jury's mind is influenced. These latter phrases, consequently, are awkward vehiclesfor expressing the degree of the jury's belief.[64]

The same author has suggested that the phrase "proof by a preponderance" does not mean simple volume of evidence or number of witnesses.[65] Courts often specifically inform the jury that the number of witnesses is not conclusive.[66] Clearly amplifies in this way: "One definition is that evidence preponderates when it is more convincing to the trier than the opposing evidence.[67] Such a definition may be difficult to accept, however, in a misleading situation where, although one side's evidence is more convincing than the other's, the jury is still left in doubt as to the truth of the matter.[68]

The most acceptable meaning given to the expression, proof be a preponderance, seems to be "proff which leads the jury to find that the existence of the contested fact is more probably than its nonexistence. Thus the preponderance of evidence becomes the trier's belief in the preponderance of probability."[69] Some courts have accepted this view in strong terms.[70]

Other courts have apparently rejected the thesis that truth-finding could be based on an estimate of probabilities. They require that the trier must have an "actual belief" in, or be "convinced of" the truth of the fact by this preponderance of evidence."[71]

It may be interesting to note that the latter courts appear to place more weight on gut reaction and emotional feelings than on an attempt to assess objectively the probabilities of each side to weigh them against each other on the basis of their substance. The Coleman v. Paccar, Inc. case cited earlier observed that probability was the standard employed in determining questions of fact in administrative hearings.[72]

Gossett raised an important distinction worthy of further consideration in this context when he stated that: "While value considerations such as believability of the victim may influence the jury's decision, believability is not the ultimate issue."[73] It is the opinion of this writer that for any fact, cause, effect or outcome to be established as probable, it would also have to be believable. The challenge of meeting the burden of persuasion, or facing the risk of non-persuasion, undoubtedly has greater than minor implications under such circumstances, as does fulfilling the burden of proof through clear, convincing and substantial evidence that meets the preponderance requirements.**

Endnotes

1. U.S. v. Wunderlich, 342 U.S. 98, 96 L.Ed. 113, 72 S. Ct. 154 (1951).

2. Coleman v. Paccar, Inc., 424 U.S. 1301, 47 L.Ed.2d 67, 96 S.Ct. 845 (1976).

3. J.B. Williams (Geritol), 68 FTC 481 (1965). J.B. Williams Co., Inc. v. Federal Trade Commission, 381 F.2d 884 (CA5 1967).

4. American Home Product v. Johnson and Johnson, 3 Med. L. Rptr. 1097 (1977).

5. Ibid.

6. Ibid.

7. Warner-Lambert Co. v. Federal Trade Commission, 562 F.2d 749 (C.A.D.C. 1977).

8. American Home Products, supra.

9. Consumers Association of District of Columbia v. CBS and WTOP-TV, 32 FCC 2d 405 (1971).

10. Richard G. Huber, Fulton Prize Debate, Boston College, April 10, 1981

11. 2 U.S.C 192 (See Re Chapman, 166 U.S. 661, 41 L.Ed. 1154, 17 S.Ct. 677 (1897).

12. Annotations, 97 L.Ed. 782, 99 L.Ed. 985, 3 L.Ed. 2d 1647, 6 L.Ed, 2d 963, 10 L.Ed. 2d 1329.

13. Kristine M. Davis, "A Description and Analysis of the Legislative Committee Hearing," The Western Journal of Speech Communication, 45 (Winter 1981), 101.

14. Ibid, 106.

15. John Gossett, "Stock Issues in Legal Argumentation: The Role of 'Fact'", paper presented at the Annual Meeting of the Speech Communication Association of America, New York City, November 16, 1980.

16. Ibid, 1.

17. Niiva v. U.S., 352 U.S. 385, 1 L.Ed.2d 415, 77 S.Ct. 431, reh den, 353 U.S. 931, 1 L.Ed.2d 724, 77 S.Ct. (1957).

18. Edward W. Cleary, McCormick's Handbook of the Law of Evidence, 2nd ed. (St. Paul: West, 1972), 785.

19. Ibid.

20. *Powers* v. *Russell*, 30 Mass. 5, 76 (1932); *Abrath* v. *N.E. Ry Co.*, 11 Q.B.D. 440, 452 (1883); *Se-Ling Hosiery* v. *Marguilies*, 364 Pa. 45, 70 A.2d 854, 856 (1950).

21. Cleary, *Ibid*.

22. *Missouri Pacific Railroad Co.* v. *Elmore & Stahl*, 377 U.S. 134, 12 L.Ed. 2d 194, 84 S.Ct. 1142, *reh den* 377 U.S. 984, 12 L.Ed. 2d 752, 84 S.Ct. 1880 (1964).

23. *Ibid*.

24. 53 A.L.R. 996.

25. 53 A.L.R. 996-997.

26. *Fockens* v. *U.S. Exp. Co.*, 99 Minn. 404, 109 N.W. 834 (1906).

27. *Ibid*.

28. 53 A.L.R. 996, 998; see also *McNeill & S.Co.* v. *Great Northern R. Co.*, 156 Minn. 120, 194 N.W. 614 (1923).

29. *McDaniel* v. *Atlantic Coast Line R. Co.*, 190 N.C. 474, 130 S.E. 208 (1925).

30. 53 A.L.R. 996, 998; see also *Duncan* v. *Great Northern R. Co.*, 17 N.D. 610, 19 L.R.A. (N.S.) 952, 118 N.W. 826 (1908).

31. *Ibid*.

32. 5690 U.S.C. 1905.

33. *Gruenwald* v. *American R. Exp. Co.*, 128 Misc. 206, 217 N.W. Supp. 767 (1925).

34. *Ibid*.

35. *Orunsten* v. *New York C.R. Co.*, 179 App. Div. 465, 165 N.Y. Supp. 996 (1917).

36. *Goldberg* v. *New York, N.H., & H.R. Co.*, 130 Me. 96, 153 A. 812 (1931).

37. 106 A.L.R. 1156.

38. 23 A.L.R. 1214.

39. 5 A.L.R. 1034.

40. 129 A.L.R. 1340.

41. 1 A.L.R. 1180.

42. Millen v. Hooker Const. Co., 484 S.W. 2d 113, 115 (Tex. Civ. App. 1972).

43. Black's Law Dictionary (St. Paul: West, 1979), 1173.

44. William L. Prosser, Handbook of the Law of Torts, 4th ed. (St. Paul: West, 1971), 226.

45. Brust v. C.J. Kubach Co., 130 Cal. App. 152, 19 P.2d 845 (1933); Pennebaker v. San Joaquin Light & Power Co., 158 Cal. 579, 112 P. 459 (1910); Heaton v. Kagley, 198 Tenn. 530, 281 S.W.2d 385 (1955).

46. 53 A.L.R. 996, supp. 106 A.L.R. 1156.

47. 147 A.L.R. 726 48. 141 A.L.R. 872.

49. 144 A.L.R. 1473.

50. 130 A.L.R. 616.

51. 4 A.L.R. 1159, supp. 47 A.L.R. 148, 105 A.L.R. 1039, 171 A.L.R. 1209.

52. "The doctrine of last clear chance applies only where plaintiff's negligence is admitted, and he has the burden of proving it as any other fact." Dwinelle v. Union P.R. Co., 104 Lolo. 545, 92 P2d 741 (1939). The doctrine of last clear chance, otherwise known as the doctrine of discovered peril, as the doctrine of supervening negligence, and less frequently, as the humanitarian doctrine, stated broadly, is that the negligence of the plaintiff does not preclude a recovery for the negligence of the defendant where it appears that the defendant, by exercising reasonable care and prudence, might have avoided injurious consequences to the plaintiff's negligence. See 38 Am. Jur. 900, Negligence § 215.

53. Hatch v. Merigold, 119 Conn. 339,176 A. 266 (1935); Atchison v. Wills, 21 App. D.C. 548 (1903); Missouri P.R. Co. v. Preston, 63 P. 444 (Kan., 1901), affirmed on rehearing, 63 Kan. 819, 66 P. 1050 (1901); Yanez v. DeRosa, 118 Conn 471, 172 A. 920 (1934); Fitchburg R. Co. v. Nichols, 85 F. 945 (C.C.A. 1st, 1898); Washington & G.R. Co. v. Gladmon, 15 Wall (U.S.) 401, 21 L.Ed. 114 (1873); Montgomery & E.R. Co. v. Chambers, 79 Ala. 338 (1885); North Alabama Traction Co. V. Taylor, 3 Ala. App. 456, 57 So. 146 (1911); Denver & R.G.R. Co. v. Ryan, 17 Colo. 98, 28 P. 76 (1891); Pennsylvania Co. V. Fertig, 34 Ind App. 459, 70 N.E. 834 (1904); Bevis V. Vanceburg Teleph. Co., 132 Ky. 385, 113 S.W. 811 (1908); Hudson v. Wabash & W.R. Co., 32 Mo. App. 667 (1888), reversed on other grounds, 101 Mo. 13, 14 S.W. 15 (1890); Pares V. St. Louis S. W. R. Co., 57 S. W. 301 (Tex. Cov. App., 1900).

54. 24 Am. Jr. Trials § 98, 395.

55. Ibid.

56. Daniel M. Rohrer, David C. Montgomery, Mary E. Montgomery, David J. Eaton, Mark G. Arnold, *The Environment Crisis* (Skokie: National Textbook Co., 1970), 61; John C. Esposito, ed., *Task Force Report on Air Pollution* (Washington, D.C.: Center for Study of Responsive Law, 1970), vi, 4-6 (preliminary draft for receiver's use only), makes the same point.

57. Daniel M. Rohrer, "Reversing the Burden of Proof in Legal Proceedings," *Issues* 4 (November 1970), 14.

58. *Ibid.*, 15.

59. *Jacob E. Decker & Sons, Inc.* v. *Capps*, 139 Tex. 609, 164 S.W. 2d 828 (1942); *Henningsen* v. *Bloomfield Motors, Inc.*, 32 N.J. 358, 161 A 2d 69 (1960).

60. *Gertz* v. *Robert Welch, Inc*, 418 U.S. 323 (1974).

61. *Ibid.*

62. Allan J. Lichtman and Daniel M. Rohrer, "The Logic of Policy Dispute," *Journal of the American Forensic Association*, 17 (Spring 1980), 236-247. Allan J. Lichtman and Daniel M. Rohrer, "Decision Rules in Policy Debate: Presumption and Burden of Proof," *Advanced Debate*, ed. David A. Thomas Skokie: National Textbook Co., 1979), 42-69.

63. Malcolm O. Sillars and Pat Ganer, "Premises for Argument: Beliefs and Values," Annual Meeting of the Western Speech Communication Association, San Jose, February 16, 1981.

64. Cleary, *op. cit.*, 793.

65. *Ibid.*

66. *Livingston* v. *Schreckengost*, 255 Iowa 1102, 125 N.W.2d 126, 131 (1963).

67. Cleary, *op. cit.*

68. *McDonald* v. *Union Pacific R. Co.*, 109 Utah 493, 167 P.2d 685, 689 (1946).

69. Cleary, *op. cit.*, 794.

70. *Murphy* v. *Waterhouse*, 113 Cal. 467, 45 Pac. 866 (1896); *Norton* v. *Futrell*, 149 Cal. App. 2d 586, 308 P.2d 887, 891 (1957); *Beckwith* v. *Town of Stratford*, 129 Conn. 506, 29 A.2d 775 (1942); *Moffie* v. *Slawsby*, 77 N.H. 555, 94 A.193 (1915); *Livanovitch* v. *Livanovitch*, 99 Vt. 327, 328, 131 A. 799 (1926); *Burch* v. *Reading Co.*, 240 F.2d 574 (3rd Cir., 1957), cert. denied 353 U.S. 965.

71. Cleary, op. cit., 794-795; Sargent v. Mass. Accident Co., 307 Mass. 246, 29 N.E.2d 825, 827 (1940); Lampe v. Franklin American, 339 Mo. 361, 96 S.W.2d 710, 723, 107 A.L.R. 465 (1936); Anderson v. Chicago Brass Co., 127 Wis. 273, 107 N.W. 1077, 1079 (1906).

72. Coleman v. Piccar, supra.

73. Gossett, op. cit., 10.

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AN EMPIRICAL INVESTIGATION OF ARGUMENTATIVE STRATEGIES EMPLOYED IN SUPREME COURT OPINIONS

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Our judicial system offers an important and unique laboratory for studying the functions of argument in society. The fact that its influence is both profound and pervasive provides ample justification for its significance as the object of scholarly inquiry. Its position as a unique setting for investigating argumentation is secured by its relatively clear issues, the availability of many transcripts of its argumentation, readily determinable decisions, and the publication of explanation/justification for many important decisions.

The size, variety, and complexity of the components of our legal system make the task of profitably analyzing more than one aspect of it in a single study a formidible one. Key differences exist in the argumentation employed at different levels is one example of this difficulty. At the trial level, evidence is presented by source (witnesses and exhibits), not by issue. Only in the summary statements can the attorneys attempt to make sense of the jumble of ideas facing the judge or jury.[1] That audience is under no obligation to explain or justify its decision, only to render it. Appellate litigation differs in several important regards. Opposing attorneys present both written briefs and oral argument, and the organization of ideas is not dependent upon the sources. The justices adjudicating the case are under some obligation--particularly in the United States Supreme Court--to present some sort of rationale for that decision. In fact, justices may present concurring opinions if they agree with the result for different or additional reasons, or dissenting opinions if they disagree with the majority.[3] Thus, any exploratory study like the present one should limit its investigation to one aspect of the legal system's argumentation.

Fields of Argument

Space does not permit a lengthy discussion of fields of argument,[4] a term first introduced by Stephen Toulmin in the Uses of Argument, but to some extent anticipated by Aristotle.[5] The fields approach to the study of argumentation attempts to isolate and identify characteristics of argument which either are constant or which vary systematically from one subject matter or area of the law ("field") to another. Two interrelated questions face the fields researcher. First, how do we identify distinct fields of argument? The realm of argumentation may be divided in a multitude of ways, yet some of these alleged fields may not possess distinct argumentative features. If so, that alleged field do not merit the label "field." Second, which elements of argumentation should be studied to identify the special characteristics of a field? An analysis of an argumentative element which is field invariant is of no use to the analyst attempting to determine the unique characteristics of a particular field. We must at this point make educated guesses about which potential fields and which argumentative elements to investigate. By steadily investigating potential fields, we can develop generalizations which will fortify our theiries of argumentation, and help us make them applicable to argumentation in our society.

This study is an empirical investigation of one potential field of argument--legal disputation. It limits its analysis to Supreme Court opinions. Several considerations underlie this choice. First, the jurists of this court, who author its opinions, are the most prestigious and elite group of jurists in the country. Second, the decisions rendered in that forum, the highest national appellate tribunal, are more influential than the decisions of other courts. They cannot be overturned by any other court, and they are applicable to the entire nation. Finally, its opinions are published and widely distributed. readily available for scholarly analysis.

An earlier study in this research program conducted a largely theoretical analysis of analogical reasoning in legal argumentation.[6] This study expands upon that earlier effort in two ways. Other forms of reasoning will be included, and this analysis will be largely descriptive and empirical. Two research questions will be addressed:

R_1 Are different types of arguments represented with relatively equal frequency in Supreme Court opinions?

There is some reason to suspect that the types of arguments examined here will not occur with the same frequency in appellate litigation. The role of precedent in jurisprudence suggests that analogical argument would be well-represented in this legal argument.[7] Since appellate litigation deals with questions of law and not questions of fact,[8] causal argument should be found less frequently than other forms. The first research question, then, investigates the relative frequency of different forms of argument in appellate trials.

R_2 Do different areas of the law (sub-fields) employ different proportions of types of arguments?

It has already been suggested that legal argument may be divided into the "sub-fields" of trial and appellate advocacy, although these two levels were not actually referred to as such. Legal argument may also be divisible into "sub-fields" by case areas. For example, tort litigation (especially at the trial level) is certain to contain many causal arguments. Despite the fact that appellate litigation considers questions of law, and the fact that subject matter differences are more likely to manifest themselves in argument over questions of law, different questions of law may well dictate differences in types of argument. The second research question investigates whether sub-fields of areas of the law tend to employ different types of arguments.

Sample

Cases were selected at random in seven areas of the law (rights of the accused, distribution of powers, police power, school desegregation, freedom of speech, treaties, and voting rights), largely from the discussions found in Corpus Juris Secundum. Five cases in each area were included in the analysis, a total of thirty-five cases. A wide diversity of cases were obtained in this way. Cases with both unanimous and split decisions are included (majority, concurring, and dissenting opinions, where present, were all inclded in the analysis). The opinions ranged from 1 to 22 pages in length, and were decided from the years 1796 to 1975. Some diversity also is present within each area of the law. A list of cases included in the sample, arranged by topic area, can be found in Appendix A.

Methodology

The cases selected were subjected to categorical content analysis. Budd, Thorp, and Donohew explain the three key assumptions underlying this investigatory tool: "Categories must accurately fit the needs of the study so that they can answer the questions originally asked, be exhaustive (relative to the problem) and be mutually exclusive."[9] After developing the coding system employed in this analysis, its integrity will be established on the basis of these three assumptions.

The appropriate unit of analysis for this study is the theme, or, more specifically, the argument. An argument is defined here as a conclusion and its rationale. Either may be implicit in the data, which complicates the act of coding, but should not violate the integrity of the theory. This rationale may take two forms: evidentiary argument (source-based assertion) and reasoning or inferential argument. The fact that arguments based on inference may also contain some evidence may present some coding headaches, but does not undermine the theoretical conception.

These distinctions may be illustrated through this example. An advocate who wanted to support the claim that "Chicago police are efficient" has three fundamental options. First, examples of efficiencies practiced by the Chicago police may be adduced in order to justify an inductive inference to the desired conclusion. Second, the conlusion that "Chicago police are efficient" can be deduced from the propositions that "Police in major metropolitan areas are efficient," and "Chicago is a major metropolitan area." Third, the advocate can employ a source-based assertion to the effect that "Chicago police are efficient" in order to support that very claim.

The differences between induction and deduction have been sufficiently hashed over to warrant omitting such a discussion here. The other differences--between method number three and the other two methods--perhaps should be addressed. The fact that the first two methods may employ some external source material as well as the inference does not reduce the third method to either of the first two. They require an inference, from specific to general and from general to specific, respectively. The latter mathod requires no inference at all. In support of this consider that the first two methods are susceptible to "tests of reasoning," like sufficiency of examples or distribution of the middle term. No test of reasoning applies to the last method. While tests of evidence apply to it, this of course does not make it into a form of argument employing reasoning. That method number three is in fact an argument cannot be doubted, for it is a rationale supplied in support of a conclusion.

In order to flesh out this coding system, these two general types of argument through reasoning must be further subdivided. The following discussion relies heavily upon (and the preceeding discussion was stimulated by) the discussion of "The Forms of Argument" in the argumentation text of Ziegelmueller and Dause. They note that the premises of arguments may be specific or general. and that conclusions may be specific or general claims of existence, essence, or explanation.[10] For simplicity's sake, I will combine "existence" and "essence" into "description." For clarity, I will refer to "explanation" as "causal." It should be noted that premises as well as conclusions may be descriptive or causal. Each possible combination of descriptive and causal premise and conclusion will be discussed in order to provide an exhaustive list of types of reasoning. Each will be illustrated, where possible, with examples from Supreme Court opinions.

Argument by descriptive example begins with specific propositions of description (examples) and infers a general proposition of description.[11] In Mr. Justice Reed's dissenting opinion in Illinois ex rel. McCollum v. Board of Education, he presents an argument by descriptive example.

> The practices of the federal government offer many examples of this kind of "aid" by the state to religion. The Congress of the United States has a chaplain for each House who daily invokes devine blessings and guidance for the proceedings. The armed forces have commissioned chaplains from early days. They conduct the public services in ac-

> cordance with the liturgical requirements of their respective faiths, ashore and afloat, employing for the purpose property belonging to the United States and dedicated to the services of religion. Under the Serviceman's Readjustment Act of 1944, eligible veterans may receive training at governmental expense for the ministry in denominational schools. The schools of the District of Columbia have opening exercises which "include a reading from the Bible without note or comment, and the Lord's prayer."
>
> In the United States Naval Academy and the United States Military Academy, schools wholly supported and completely controlled by the federal government, there are a number of religious activities. Chaplains are attached to both schools. Attendance at church services on Sunday is compulsory at both the Military and Naval Academies.[12]

The majority decision held that public schools may not support religious services. Reed attacks that holding by arguing that it is inconsistent with the fact that the federal government supports religious activities. This descriptive generalization is supported by several descriptive examples of this claim, so it is an example of argument from descriptive example.

Argument by causal example starts with specific causal propositions (examples demonstrating a functional relationship between two variables) and reasons to a causal generalization.[13] Studies on the link between cigarette smoking and cancer are good illustrations of this form of reasoning. Ziegelmueller and Dause offer this example: "in a well-conceived study, Sadowsky _et al._, recognizing that duration of smoking is a function of age, controlled the age variable, and found an increasing prevalence rate of lung cancer with an increase in duration of smoking among all age groups."[14] Here, the individual smokers in the study are the examples, and smoking and lung cancer are causally linked.

Analogy moves from one specific instance of a phenomena to another, inferring that what is true of one is true of the other.[15] These may be either descriptive or causal. In the case of Louisiana v. United States, the Supreme Court considered the constitutionality of a voter registration test with no guidelines for the registrar.

> Many of our cases have pointed out the invalidity of laws so completely devoid of standards and restraints. See, e.g., United States v. L. Cohen Grocery Co., 225 U.S. 81, 41 S.Ct. 298, 65 L.Ed. 516. Squarely on point is Schnell v. Davis, 336 U.S. 933, 69 S.Ct. 749, 93 L.Ed. 1093, affirming 81 F.Supp. 872 (D.C.S.D. Ala.), in which we affirmed a district court judgment striking down as a violation of the Fourteenth and Fifteenth Amendments an Alabama constitutional provision restricting the right to vote in that State to persons who could "understand and

> explain any article of the Constitution of the United States" to the satisfaction of voting registrars.[16]

In this example, the instant case is compared to a previous case. Both are instances of state law which conditions the right to vote upon a test for which no standards are given, leaving the decision of whether a person can vote up to the registrar. The later case is then decided in the same manner as the earlier one. What is known to be true of the precedent, that it is unconstitutional, is inferred to be true of the present case.

Argument from descriptive generalization moves from two general descriptive propositions to a third, or from a general and a specific descriptive proposition to a specific one.[17] This form of reasoning is employed in Missouri v. Holland, a case turning on the appropriateness of a federal treaty regularing migratory game.

> . . . if the protection of migratory game is a proper subject matter for treaties between independent nations, the power to secure this protection was expressly conferred upon the Federal Government as a part of the treaty-making power.
> The peculiar nature of. . . migratory game, which is in one country during a part of the year and in another during the remainder of the year, makes it impossible for the laws of one State or country to give ample protection. This can be accomplished only by concert of action on the part of two or more States or countries. This, in the very nature of things, cannot be secured except through the medium of treaties.[18]

In this argument, the claim that a federal treaty is an appropriate device for regulating migratory game is reached by inference from the descriptive generalizations that migratory game move from country to country, and that federal treaties are necessary for regulating phenomena present in more than one country.

Finally, argument from causal generalization draws a causal inference from a general causal proposition and a specific one to a specific causal proposition, or from a general causal proposition and a general proposition to a general causal proposition.[19] Ziegelmueller and Dause offer this example of such an argument: "If we start with the causal correlation /generalization/ that heavy smokers are more likely than nonsmokers to develop lung cancer, observe that John is a heavy smoker, and conclude that John is more likely than nonsmokers to develop lung cancer, we have reasoned from causal generalization."[20]

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It should be clear that the coding system thus developed is exhaustive. No other relationship between premise and conclusion is possible. The categories are mutually exclusive, for each combination is unique. They are all types of reasoning, so the relevance to the problem is clear. Thus, this coding system meets the three assumptions of categorical content analysis. See Table 1.

The coding system was discussed with each coder, then they were provided with opinions which were already coded and arguments to code under supervision. The researcher coded or checked each opinion in the sample.[21]

Results

The data obtained through categorical content analysis of the Supreme Court opinions are presented in Table 2. The first research question can be unqualifiedly answered no--the different forms of reasoning do not occur with equal frequency in Supreme Court opinions. No instances of any form of causal argument-argument from causal example, causal analogy, or causal generalization--occurs in the data. There is but one instance of argument from descriptive example in the 560 arguments coded. Considering the remaining three categories, argument from (descriptive) analogy accounts for less than 5% of the arguments. There is no doubt that certain forms of argument are vastly more popular than others in appellate advocacy.

The data in Table 2 also bears upon the second research question. While some minor differences exist-e.g., the School Desegregation opinions have slightly more arguments from evidence than from descriptive generalization, and the Police Power cases exhibit the same number of each type of argument-the distribution of arguments if fairly consistent across area of case. Several similarities exist across the areas analyzed here. No area employs any type of causal argument, example, analogy, or generalization. Each area employs at least one, but no more than seven, descriptive analogies. The bulk of each area's arguments are either from descriptive generalization or from evidence. Only one area employs argument from descriptive example (and it uses but one of these). There is scant evidence for the notion that systematic differences in type of reasoning are present in Supreme Court opinions.

Discussion

As was suggested earlier, appellate argumentation deals with questions of law and not questions of fact. The Supreme Court interprets the law. This calls for it to be able to perform several tasks. First, it must present the law. Two fundamental sources of the law exist: written law (the Constitution of the United States, Constitution of several states, statutes, treaties, administrative rulings), and case law (prior decisions). This task can be accomplished best through citation of authoritative sources. The Supreme Court need not infer or deduce the language of a statute; it simply quotes it. In the case of United States v. Schooner Peggy, a ship which had been captured in the war against France was the subject of litigation, and a treaty with that country was one of the laws at issue.

> . . . on the 21st of December, 1801, the convention with France was finally ratified by the President; the fourth article of which convention has these words: "Property captured, and not yet definitively condemned, or which may be captured before the exchange of ratifications, (contraband goods destined to an enemy's port excepted) shall be mutually restored." "This article shall take effect from the date of the signature of the present convention. And if, from the date of the said signature, any property shall be condemned contrary to the intent of said convention, before the knowledge of this stipulation shall be obtained, the property so condemned shall without delay be restored or paid for.[22]

Having presented the law, it must construe or interpret it. Without delving into the principles of statutory or constitutional construction, it suffices to say that this is often a process of deduction: beginning with the law as given by the enacting body, the court must deduce its import. In the case just quoted, the question of what was meant by "definitively condemned was important.

> The last decree of an inferior court is final in relation to the power of that court, but not in relation to the property itself, unless it be acquiesced under. The terms used in the treaty seem to apply to the actual condition of the property and to direct a restoration of that which is still in controversy between the parties. On any other construction the word definitive would be rendered useless and inoperative.[23]

Evidentiary argument occasionally appears here, for the court may, for example, consult the deliberations of the enacting body as an aid to construction. In addressing the question of whether the Economic Stabilization Act applies to the wages of state employees in Ohio, the Court wrote that

> Indeed, inframing the Act, Congress specifically rejected an amendment that would have exempted employees of state and local governments. 117 Cong.Rec.43673-43677 (1971). And the Senate Committee Report makes it plain that the Committee considered and rejected a proposed exemption for

> the same group. S.Rep. No.92-507, p. 4 (1971), U.S.Code Cong.&Admin.News 1971, p. 2283. It is clear, then, that Congress intended to reach state and local governmental employees.[24]

When laws appear to conflict, the relationship between those laws must be determined deductively. In Brown v. Board of Education of Topeka, the Court observed that according to Topeka law, "the Negro and white schools involved have been equalized or are being equalized, with respect to buildings, curricula, qualifications and salaries of teachers, and other 'tangible' factors." They then reasoned that

> in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment.[25]

In the case discussed earlier involving the Schooner Peggy, the law as construed must be applied to the instant case to render a decision. There the Court argued that "In this case the court is of the opinion that the schooner Peggy is within the provisions of the treaty entered into with France and ought to be restored. This vessel is not considered as being definitively condemned."[26] When this entire process has occurred in the past on a similar case, the present controversy need only be compared to that earlier one to establish similarities and the decision can thereby be rendered as per the early case. In a double deopardy case, the Court argued that

> In any case, this argument [that one cannot be put into jeopardy by a void indictment] was answered here over 70 years ago in United States v. Ball, 163 U.S. 662, 16 S.Ct. 1192, 41 L.Ed. 300 (1896). In that case Millard Fillmore Ball was indicted, together with two other men, for the murder of one William T. Box in the Indian Territory. He was acquitted and his codefendents were convicted. They appealed and won a reversal on the ground that the indictment erroneously failed to aver the time or place of Box's death. All three defendents were retried, and this time Ball was convicted. This Court sustained his double jeopardy claim, notwithstanding the technical invalidity of the indictment upon which he was first tried. . . . This case is totally indistinguishable. Petitioner was acquitted of larceny. He has, under Green [v. U.S., 355 U.S. 184, 78 S.Ct. 221, 2 L.Ed. 2d 199 (1957)] a valid double jeopardy claim which he cannot be forced to waive. Yet Maryland wants the earlier acquittal set aside, over petitioner's objections, because of a defect in the indictment. This it cannot do. Petitioner's larceny conviction cannot stand.[27]

It should be noted that source-based assertions can also be used for other purposes, e.g., to support premisses in construction arguments, conflict of laws, and application of legal cases to the present case.

This discussion of the appellate decision-making process should aid in accounting for the results obtained in this study. No causal arguments are needed in appellate litigation, so it is not surprizing that none are present in the data. While argument by descriptive example can be used, and did occur once in the sample, this argument's utility is for describing classes of phenomena, and appellate litigation has no pressing need for this. The role of evidentiary arguments, arguments from descriptive generalization and arguments from descriptive analogy, can easily be seen from the discussion and examples adduced. The relatively small number of descriptive analogies, in view of the importance of the role of precedent, can be explained by the fact that many precedential cases are not presented in analogical form, comparing the essential elements of the prior to the present case. Rather, precedent is frequently introduced through evidential arguments quoting the ruling in the prior case.

The fact that appellate litigation is imilar in both the decision-making process and the lack of questions of fact may account for the absence of regular differences between "sub-fields" of the law. Future research should investigate trial litigation, both to see if differences exist between "sub-fields" of the law in that domain and to see if differences exist between trial and appellate advocacy.

Table 1. Forms of Argument

Forms of Arguments

form of reasoning	type of argument	type of premiss	conclusion
INDUCTIVE	example	specific instances	general: existence general: essence
	causal correlation	specific instances	general: explanation
	analogy	specific instances	specific: existence essence explanation
DEDUCTIVE	sign	generalizations	general: existence essence
		generalizations + specific instance	specific: existence essence
	causal generalization	generalizations	general: explanation
		generalization + specific instance	specific: explanation

EVIDENTIARY ARGUMENT

Table 2. Frequency of Type of Argument by Area of Law

	Descriptive Example	Causal Example	Analogy	Descriptive Generalization	Causal Generalization	Evidentiary Argument	
Rights of the Accused			7	45		33	
Distribution of Powers			4	53		26	
Police Power	1		1	40		40	
School Desegregation			4	20		22	
Freedom of Speech			6	45		36	
Treaties			2	66		59	
Voting Rights			4	31		15	
Total	1		28	300		231	560

Appendix A

Supreme Court Opinions Analyzed

Rights of the Accused

Norris v. Alabama, 294 U.S. 587 (1935).
Malloy v. Hogan, 378 U.S. 1 (1964).
Pointer v. Texas, 380 U.S. 400 (1965).
Klopfer v. North Carolina, 386 U.S. 213 (1967).
Benton v. Maryland, 395 U.S. 784 (1969).

Distribution of Powers

Bank of United States v. Halstead, 23 U.S. 51 (1825).
Missouri v. Lewis, 101 U.S. 22 (1879).
Consolidated Rendering v. Vermont, 207 U.S. 542 (1908).
United States v. Barnow, 239 U.S. 74 (1915).
Fry v. United States, 241 U.S. 542 (1975).

Police Power

United States v. Dewitt, 76 U.S. 41 (1869).
Escanaba v. Chicago, 107 U.S. 678 (1882).
Keller V. United States, 213 U.S. 138 (1909).
Noble State Bank v. Haskill, 219 U.S. 104 (1911).
Hammer v. Dagenhart, 274 U.S. 251 (1918).

School Desegregation

Brown v. Board of Education of Topeka, 347 U.S. 483 (1954).
Cooper v. Aaron, 358 U.S. 1 (1958).
Rogers v. Paul, 382 U.S. 198 (1965).
Northcross v. Board of Education, 397 U.S. 232 (1970).
North Carolina Board of Education v. Swann, 402 U.S. 43 (1971).

Treaties

Ware v. Hylton, 3 Dallas 199 (1796).
United States v. Schooner Peggy, 1 Cranch 103 (1801).
Hauerstein v. Holland, 100 U.S. 483 (1880).
Missouri v. Holland, 252 U.S. 416 (1920).
Sullivan v. Kidd, 254 U.S. 433 (1921).

Voting Rights

James v. Bowman, 190 U.S. 127 (1903).
Pope v. Williams, 193 U.S. 621 (1904).
Guinn v. United States, 238 U.S. 347 (1915).
United States v. Raines, 362 U.S. 461 (1960).
Louisiana v. United States, 380 U.S. 145 (1965).

Appendix B

The Coding System

The coding system employed consisted, as the text suggests, of six elements: arguments from descriptive example, causal example, analogy, descriptive generalization, causal generalization, and evidentiary argument. The coding rules consisted of the descriptions offerred in the text and in Table 1, e.g., an argument with specific descriptive instances as premises and a general descriptive proposition as a conclusion is to be coded as an argument from descriptive example. Examples of all types of arguments found in the data can be obtained from the text.

Two specific difficulties in coding merit brief discussion. First, prior court decisions could be construed either as analogical arguments or evidentiary arguments. If specifics of the two cases (prior and instant) are compared and the result of the first is suggested as appropriate for the second, it was coded as analogy. When a statement is quoted from (or attributed to without quotation) a prior case without comparison of specifics, it was coded as evidentiary argument. The former, as was just suggested, is illustrated in the text. An instance of the latter can be found in Mr. Justice Black's dissent in Carpenters and Joiners Union v. Ritter's Cafe, 315 U.S. 722, @ 732. A union picketing a construction site also picketed a cafe not connected with the construction (except for common owners). The majority argued that a prohibition of their picketing of the cafe did not violate their constitutional right of freedom of speech because they could picket elsewhere. Black responded that "In any event, 'one is not to have the exercise of his liberty of expression in appropriate places abridged on the plea that it may be exercised in some other place.' Schneider v. State, supra, 108 U.S. 163, 60 S.Ct. 151, 84 L.Ed. 155." Since no attempt is made to compare the specifics of the Schneider case with the instant case. We do not know that they are similar in all essential respects (the test of analogical argument), so this must be coded as evidentiary argument. Incidently, where several sources are cited in support of one claim, only one argument is coded.

The second difficulty arises in cases where examples are employed but not in order to support a descriptive generalization. Mr. Justice Brennan's dissent in Lehman v. Shaker Heights contains an instance of this phenomena. In that case the majority holds that a city may prohibit political advertisements on the cards in bus lines of the city.

> Commercial and public service advertisements are routinely accepted for display, while political messages are absolutely prohibited. Few examples are required to illustrate the scope of the city's policy and practice. For instance, a commercial advertisement peddling snowmobiles would be accepted, while a counter-advertisement calling upon the public to support legislation controlling the

> environmental destruction and noise pollution caused by snowmobiles would be rejected. Alternatively, a public service ad by the League of Women Voters would be permitted, advertising the existence of an upcoming election and imploring citizens to vote, but a candidate, such as Lehman, would be barred from informing the public about his candidacy, qualifications for office, or position on particular issues. 418 U.S. 298, @ 319.

In an argument from descriptive example, the examples are members of a class, and are examined in order to create a generalization about some characteristic(s) of all members of that class. No such descriptive generalization is the conclusion of Brennan's argument, so it was not coded as such an argument. It should be noted that, as with evidentiary argument, only one argument is coded per conclusion, regardless of the number of examples supporting that claim.

Finally, the coding system could be made more specific in two areas. Argument from analogy could be divided, as note 13 suggests, into descriptive and causal analogies. Further, each of the two types of argument from generalizations could be split into arguments with three generalizations, and arguments with one generalization and two specific propositions. None of these possibilities seemed to offer further insights into the data, so none were incorporated into the coding system for this study. Since all possible arguments are present in the coding system, it is still exhaustive and mutually exclusive--just not as specific as possible.

NOTES

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[2] For an interesting approach to analyzing trial advocacy, see. W. Lance Bennett, "Storytelling in Criminal Trials: A Model of Social Judgment," Quarterly Journal of Speech 64 (1978): 1-22; Bennett, "Rhetorical Transforamtion of Evidence in Criminal Trials: Creating Grounds for Legal Judgment, Quarterly Journal of Speech 65 (1979): 311-23.

[3] While we cannot, of course, determine with certainty that the arguments published in the opinion were actually responsible for the decision contained therein, and are not merely rationalizations invented after the decision was made on other grounds, we cannot dismiss the argumentation in these opinions as unworthy of study. The Justices know that thir opinions will be subjected to painstaking analysis on a number of fronts. These opinions are frequently analyzed in case notes of dozens of law journals. Legal scholars may select their opinions for lengthy analysis in an article. Attorneys in subsequent litigation frequently attempt to undermine the reasoning of opinions in prio , potential precedent cases. In a non-unanimous decision, fellow-Justices familiar with all of the arguments presented by both sides (and possibly by amicus curiae briefs) as well as the rough draft of the opposing opinion is likely to present a searching analyis of that opinion in their own statement. These factors combine to provide the justices with a great incentive to employ the best reasons for the decisions they render.

[4] This topic will be considered at length at this Conference. See, e.g., the sessions on "A Research Program for Investigating Argument Fields," "Field-Dependent Conceptions of Reasonableness," and "Theoretical Perpectives on Argument Fields."

[5] Stephen Toulmin, The Uses of Argument (Cambridge: Cambridge University Press, 1958). It is worthy of note that this notion was to some extent anticipated by Aristotle's notion of special and general topics, developed in the Rhetoric.

[6] William L. Benoit and John S. France, "Analogical Reasoning in Legal Argumentation," Proceedings of the SCA-AFA Summer Conference on Argumentation, ed. Jack Rhodes and Sara Newell (Falls Church: Speech Communication Association, 1980). pp. 49-61.

[7] Ibid.

[8] This is recognized by the court, e.g., when they write "We take the findings of fact by the state court as conclusive upon us." Consolidated Rendering v Vermont, 207 US 542 @ 550.

[9] Richard Budd, Robert Thorp, and Lewis Donohew, *Content Analysis of Communication* (New York: Macmillan, 1967), p. 39.

[10] George W. Ziegelmueller and Charles A. Dause, *Argumentation: Inquiry and Advocacy* (Englewood Cliffs: Prentice-Hall, 1978), pp. 94-109.

[11] See Ibid, pp. 95-96.

[12] Illinois *ex rel*. McCollum v. Board of Education, 333 U.S. 203, @ 253.

[13] See Ziegelmueller and Dause, pp. 100-104. They hold that causal correlation (their term for argument from causal example) may reach general or specific conclusions. The latter are only possible when exactly two instances are compared. I prefer to class this (argument from one causal instance to another) as "causal analogy," a type of analogical argument.

[14] Ibid, p. 103; quoting the Report of the Advisory Committee to the Surgeon General, "Smoking and Health" (Washington, D.C.: U.S. Department of Health, Education and Welfare, 1964), p. 230.

[15] Ibid, pp. 97-100.

[16] Louisiana v. U.S., 380 U.S. 145, @ 153.

[17] Ziegelmueller and Dause label this argument from sign (pp. 104-106), but I prefer "from descriptive genealization" because of the connations of "sign."

[18] Missouri v. Holland, 252 U.S. 416 @ 428.

[19] Ziegelmueller and Dause, pp. 106-108.

[20] Ibid, pp. 106-107.

[21] Appendix B discusses the coding system and two distinctions made in the coding rules.

[22] U.S. v. Schooner Peggy, 5 U.S. 103, @ 107.

[23] U.S. v. Schooner Peggy, 5 U.S. 103, @ 109.

[24] Fry v. U.S., 421 U.S. 542, @ 546.

[25] Brown v. Board of Education of Topeka, 347 U.S. 483, @ 492.

[26] U.S. v. Schooner Peggy, 5 U.S. 103, @108.

[27] Benton v. Maryland, 395 U.S. 784, @ 797.

POLICY ADVOCACY IN THE LEGAL SETTING:
A CASE ANALYSIS

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The courtroom has been the classical setting for the study of forensic speaking. In legal disputation the emphasis has been on the quality of proof, the choice of arguments and the appropriateness of those choices for a specialized audience (i.e., judge or jury). The questions at issue are traditionally mostly of a fact/value nature (e.g., guilt/innocence, appropriateness of defendant's acts or of the penalty to be imposed).

There are, however, instances when the courtroom trial becomes a forum for the addressing of deliberative questions. When the defense or the public define a trial as "political," then the guilt or innocence of the defendant may become secondary. In such situations the broader questions of the nature of what should be the social order, or how society and individuals should conduct themselves become paramount. The "legal" arguments become entwined or lost in the attempt to address the essentially deliberative issues associated with a question of policy.

While less typical than the traditional trial, history is replete with examples of such politically-oriented exchanges. The Nurenberg Trials following World War II, the treason Trial of Sacco and Vansetti, and the murder-conspiracy trial of Angela Davis are exemplary of trials where the decision of the jury was less important than the public policy direction that society was being asked to evaluate.

What happens to the nature of the argumentation when the issues to be addressed are of a policy nature, but the setting is designed to focus on the evaluation of forensic issues? Initially, the investigation of such a question involves an exploration of the rhetorical strategies that are utilized. Such an examination necessitates the evaluation of arguments and non-discursive interactions in terms other than the quality of proof. It involves a look at the arguments, and acts (both verbal and non-verbal) that cluster into strategies aimed at a public audience for whom the rigors of forensic proof are not an appropriate measure of adequacy.

A relationship does exist between the rhetorical strategies utilized and the traditional concept of "stock issues" for a proposition of policy that is clearly identifiable. That relationship will be explored later in this paper. How deliberative rhetorical strategies are used in a political trial and how they relate to traditional argumentation theory can most directly be explored through the use of a case study. The trial to be examined here is the "Conspiracy Trial of the Chicago Seven." This much publicized trial provides a clear instance of deliberative rhetoric in a courtroom. A brief review of the circumstances surrounding the trial will serve as a useful starting point.

The mid-1960's were a tumultuous period in American political and social life. Opposition to the Vietnamese War was open and active. America's youth was either becoming "politically involved" or "dropping out." Haight-Ashbury and Greenwich Village became rallying points for the young, the unhappy and the disillusioned. It was a period when the youth sub-culture vascillated between reform and revolution.

These various forces of discontent seemed to converge in the loosely organized demonstrations that occurred at the Democratic National Convention in Chicago, 1968. A result of the disorders and rioting that emerged from these demonstrations, was the trial of a group of New Left organizers of the demonstrations, popularly referred to as "the Conspiracy Trial of the Chicago Seven."

The trial began on September 26, 1969, in Federal District Court, Chicago. It lasted for five months and consumed nearly 23,000 pages of transcript. Before it was over, one defendant had been tied, gagged, and finally separated from the trial; the judge and prosecutors were called racists and facists; all the defendants and their attorneys received contempt sentences ranging up to four years; and a variety of bizarre and unorthodox acts, never before witnessed in a court of law, had occurred.

The original eight defendants were charged with conspiracy to cross state lines for the purpose of inciting a riot. The eight were all members of what is commonly referred to as the New Left. Simply stated, the New Left philosophy is based on a systems view of American society. The various social problems of this society are seen as a function of a rigid and non-responsive set of institutions. The alternative, for the New Left, is a society founded on a concept of participatory democracy and maximum decentralization of authority. It is a society in which each person is free to do "his own thing."[1]

Six of the original defendants were leading spokesmen for the movement. These six included David T. Dellinger, 52, long a leader in peace and protest movements dating back to the 1940's when he served two terms in prison for refusing induction;[2] Rennie Davis and Tom Hayden, both 29, and the co-founders of the Students for a Democratic Society;[3] Abbie Hoffman and Jerry Rubin, leaders of the "drop out group" known as the Yippies and representing the most extreme element of the movement;[4] and Bobby Seale, Chairman and co-founder of the Black Panther Party for Self-Defense.[5] (A little over two months into the trial Bobby Seale's repeated demands to be allowed to serve as his own attorney and cross-exam witnesses resulted in Judge Julius Hoffman ordering Seale bound and gagged. On November 3, Hoffman allowed Seale to be unbound, assuming that Seale would thereafter remain quiet. However, two days later, Seale again attempted to cross-examine a witness. Judge Hoffman called a recess, and cited Seale with sixteen counts of contempt, each for three months. He further ordered a mistrial for Seale. The trial continued without Seale, and the "Chicago Eight" became the "Chicago Seven.")

The other two defendants were Lee Weiner and John Froines. At the time of the trial Weiner was pursuing a Ph.D. in sociology at Northwestern University. Froines was assistant professor of Chemistry at the University of Oregon.[6] While both were involved in organizing marshalls for the demonstrations, neither had ever played a major role in New Left activities.

As a group the defendants represented a fairly accurate cross-section of proponents of the New Left philosophy. The defense attorneys, likewise, were activists in the movement. William Kunstler was already a prominent attorney for New Left causes, having served as counsel for the Freedom Riders in Mississippi and for Stokely Carmichael, H. Rap Brown and Father Daniel Barrigan.[7] Co-counsel was Leonard Weinglass. Weinglass had only recently been admitted to the bar. Most of his work had been in the poor communities of Newark. There he had been associated with Tom Hayden, a contact which probably accounted for his appearance in the Conspiracy Trial.[8]

From the outset, the defendants viewed this as a political trial; they were being prosecuted for their political beliefs. Therefore, they consciously resolved to make the trial a showcase for the lifestyle they supported. Defendants Dellinger and Davis indicated before the trial that they wished not just to establish their innocence but also to "publicly explore what was the real basis of their political thinking."[9] Defense attorney Kunstler, in an interview after the trial, claimed that the defendants had agreed to combine a straight defense of their innocence with "an attempt to convey their philosophy."[10] Finally, defendant Hayden has commented that:

> ". . . we chose to play this rigged game; it was an attitude we kept throughout the trial. Finding ourselves in a setting constructed by our enemies, we realized that the problem was not simply to expose it but to use it whenever possible without trapping ourselves.[11]

Thus an essentially forensic situation became deliberative. What emerged over the five months of the trial was a series of rhetorical strategies aimed at persuading a public audience that the lifestyle of the New Left was a needed and desirable alternative to the current social structure. However, since the setting constrained against the direct and open discussion of such a policy question, the defendants and their attorneys were forced to circumvent or openly violate the rules of a courtroom in order to communicate their worldview. Five such strategies can be identified.

UNIVERSALIZATION

The first of these is labelled the strategy of universalization. Universalization occurs when an advocate attempts to relate a specific problem to a set of larger, more apparent problems. It has the effect of creating the image of an all-encompassing and vastly more significant problem than would normally be perceived. This attempt to show a commonality with the larger issues allows the advocate to focus on them in order to establish a significance rather than to focus on the initial, narrower cause for discussion.

In the case of the Conspiracy Trial, the defense argued that the trial was not simply a matter of who was responsible for the Chicago disorders of 1968. Rather, the trial was an attempt to suppress concern over legitimate social problems. In his opening statement to the jury, Kunstler did not focus on the specific charges against the defendants. Instead, he attempted to discuss the motives of the government for undertaking the trial.[12] Although he was not allowed to pursue this development, his comments set the tone for the direction the defense would take. Weinglass, at the conclusion of the trial, said that the indictments were an "act of vengence" because the defendants dared to oppose the government's policies "on war and racism."[13] Three specific social issues were used by the defense to universalize the specific issues of the trial. They were racism, war, and the repression of dissent.

Although racism was raised as an issue on a number of occasions, it was nowhere more obvious than in the outbursts of Bobby Seale. Seale constantly characterized the court's refusal to allow him to serve as his own counsel as an act of racism. Prosecuters Richard Schultz and Thomas Foran were described as "racists."[14] After Seale was finally bound and gagged, Kunstler moved for a mistrial, arguing

> "Your Honor has stated that race is not an issue here. I submit that one of the grounds of our mistrial is that race is very much an issue. It happens that the fact is that Mr. Seale is a black man, and whether your Honor thinks that he was indicted for that reason or not, Mr. Seale feels that that is one of the reasons why he was indicted."[15]

Thus, racism was defined by the defense as a universal issue central to the trial and reflective of the broader social significance of what the New Left opposed.

Equally dramatic were the attempts of the defense to argue that their opposition to the war in Vietnam was the reason they were on trial. On October 14, Kunstler requested that court not be held the following day so that the defendants might participate in the National Moratorium Day scheduled for the fifteenth. In presenting the justification for this request, Kunstler related the issue of the war to the trial.

> "These defendants came to Chicago, your Honor, to bear witness against this brutal imperialist war. They feel they are prosecuted for doing so. They think it is very fitting and proper that they be permitted to join the millions of their countrymen who desire to put an immediate end to the course of national action which they and their millions of countrymen believe to be the height of utter immorality."[16]

The request, thereby, became a way of relating the broader issue of the war to the specifics of the trial. The motion was, of course, denied, but the issue had been raised. Later in the trial Rennie Davis would, as part of his testimony, discuss in detail a speech he had given in 1967 on the immorality of the war.[17] Thus, the trial became a forum for discussing the broader more universal issue of the War.

The most extensive attempt to universalize the trial was by suggesting that the trial itself was but one instance of the government's attack on the First Amendment right to dissent. The defense constantly attempted to portray a broad conspiracy including the Chicago police, the F.B.I., and other local and federal covert agencies, all working together to suppress those who disagreed with existing policy. Mayor Daley and J. Edgar Hoover are constantly singled out as the chief agents of this evil conspiracy. An attempt was made to argue that most prosecution witnesses are directly or indirectly responsible to either Daley or the F.B.I. Rennie Davis aptly summed up the defense's attempt to argue that suppression of dissent was the real issue, when he said at his sentencing,

> "I suppose if I were to make any appeals, it really should be. . . . to J. Edgar Hoover, because the sentence that I am about to receive comes not from you in my judgment but from the F.B.I. This trial has been controlled by the police and the F.B.I. and undercover agents from the beginning."[18]

Thus, like Racism and the War in Vietnam, the Repression of Dissent was presented as a universal issue around which the traditional issues of the trial revolved. Whether or not the defense's claim that these issues were behind the trial is tertiary. What is important is that the defense attempted to create the impression that incidents in the courtroom and the indictments themselves were merely reflections of these broader social issues. Thus, it was possible to suggest greater significance to the trial than would have been the case if the defense viewed the indictments or incidents in court as isolated.

VILIFICATION

Having identified the "real" problems that resulted in this trial, the defense proceeded to undertake two rhetorical strategies designed to identify the cause of these problems. For the defense, the source was the structure of society and those who supported it. Two strategies were used to characterize those who supported the existing order. These were the strategies of Vilification and Satirization. These were perhaps the two most extensively used strategies in the trial.

Vilification was used regularly and often. We have already seen the established order characterized as a conspiracy. But the defense went further. It was not enough simply to suggest that there was a police conspiracy to riot, or that there was collusion among governmental agencies to deny permits to the protestors, or that the FBI had participated in the

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creation of the indictments against the defendants. Rather the implication was clear that this conspiracy was part of a sinister plot to repress all those who chose to differ with the government. Moreover, it was a plot designed to assure the perpetuation of a system corrupt with war and racism. This attempt to define the conspiracy of the government as sinister is most clearly found in Weinglass' summation to the jury. Borrowing a quotation from Clarence Darrow, Weinglass said:

> "There are criminals in this case, gentlemen. These are criminals who in the eye of heaven and in the light of justice have not been guilty of the paltry crime of conspiring to save their fellowmen, but criminals who have conspired against the framework of those institutions that had made these criminals great and strong, and you know their names and I know their names."[19]

In order to assure that there was no doubt about who these criminals were, the defense was quick to point them out. Witnesses were described as spies whose lives were a continuous "deception" and who couldn't be trusted."[20] The prosecutors were called "racists," "liars," and "executioners."[21] Judge Julius Hoffman received the most extensive vilification. Abbie Hoffman referred to him as a "disgrace to the Jews" and a "schtunk."[22] At the contempt proceedings, Davis concluded that Judge Hoffman represented "all that is old, ugly, bigoted, and repressive in this country."[23] Jerry Rubin concluded that "Julius Hoffman equals Adolf Hitler."[24]

Thus the cause of the ills of society was attributed to those who hold power in the Establishment, according to the defense. It was a conspiracy that was conscious and sinister. Few witnesses escaped the implication that they were part of or in the pay of this conspiracy. But, most importantly, it was a conspiracy based on corruption and evil. The strategy of vilification, thus, defined the source of society's illness as a result of corrupt agents of an evil conspiracy.

SATIRIZATION

The use of Satirization provided a second strategy for characterizing those who supported the system. The objective of such a strategy is to undermine the credibility of that which is satirized. When successful, it functions to reduce the power of that individual or institution. In Revolution for the Hell of It, Abbie Hoffman colorfully describes how such a strategy achieves this effect:

> "If Hitler had been captured in 1937, brought to Trafalgar Square, and had his pants pulled down, he could never have risen to power. Every time he tried one of those spectacular speeches the people would have just laughed at him because the image of "Mein Fuhrer" with his pants down around his ankles would have been too much."[25]

A number of tactics were used during the trial to make sport of those who supported the system. Perhaps the most interesting was the use of the "Put-on." This tactic, delightfully described in Irving Rein's Rudy's Red Wagon,[26] involves making an opponent look foolish without indicating that such is your objective. Thus, William Kunstler would formally petition the court to allow a birthday cake for Bobby Seale to be brought in.[27] This application was treated seriously and formally denied. The use of satirization in the form of a put-on reached unparalleled heights during the testimony of Abbie Hoffman. Typical of that testimony is the following exchange about where he resided.

> "THE WITNESS: I live in Woodstock Nation.
> THE COURT: Will you tell the Court and jury where it is.
> THE WITNESS: Yes. It is a nation of alienated young people. We carry it around with us as a state of mind in the same way as the Sioux Indians carried the Sioux nation around with them. . . . .
> THE COURT: Just where it is, that is all.
> THE WITNESS: It is in my mind and in the minds of my brothers and sisters.
> MR. Weinglass: Your Honor, the witness has identified it as being a state of mind and he has, I think, a right to define that state of mind.
> THE COURT: No, we want the place of residence, if he has one, place of doing business, if you have a business, or both if you desire to tell them both. . . Just where you live, if you have a place to live. Now you said Woodstock. In what state is Woodstock?
> THE WITNESS: It is in the state of mind, in the mind of myself and my brothers and sisters. It is a conspiracy."[28]

Thus, essentially humorous answers were presented in such a way as to invite a serious discussion. The effect was to mock the proceedings, while giving the appearance of treating them seriously.

The use of satirization was extensive and ranged from moments of subtle humor to instances of open mockery of the court and the proceedings. What emerged from the use of this strategy and that of vilification was an image of an Establishment that was responsible for war, racism and repression, that was led by men who were evil and, at the same time, comical.

DRAMATIZATION OF THE ALTERNATIVE

Having defined the problems and their cause, the defense in the Conspiracy Trial also presented the alternative life style that would overcome the evils of the present social structure. While there were instances of defendants and defense witnesses attempting to explain their lifestyle, usually the defense presented it's alternative by acting it out. This Dramatization of the Alternative was the fourth rhetorical strategy undertaken by the defendants.

Consistent with a philosophy of "do your own thing" and a belief in participatory democracy, the defendants acted out the lifestyle they supported. In so doing, the defendants violated conventional norms for courtroom behavior. This was most obvious in their manner of dress. For they dressed as they would outside the courtroom. Seale usually wore a black turtleneck shirt and black slacks. Hoffman typically wore brightly colored polo shirts, and Rubin usually wore a colorful headband. On one occasion, Rubin appeared in court wearing a sweatshirt with the word "conspiracy" lettered across the front.[29]

Their courtroom decorum was equally unacceptable. Kunstler described the defense table as a "symbol of joy, life, clutter," covered with everything from jelly beans to marijuana.[30] Defendants slouched, put their feet on the table and read newspapers. Their language was likewise inappropriate. Dellinger had his bail revoked for characterizing a prosecution witness's testimony as "Bullshit."[31] When Seale was restrained by court marshals, he shouted, "Don't hit me in the balls, motherfucker."[32] Rubin repeated Seale's comment and spelled the obscene terms for the court recorder.

Open participation characterized the defense. Defendants felt free to comment on testimony and move freely about the court. Members of the gallery favorable to the defendants would shout and sing whenever they felt it was appropriate. The defense attorneys viewed themselves not as representative of the defendants, but as part of the group who happened to have expertise in the law. Therefore, all were free to participate (until restrained by the court), and did.

The dress, the language, and the lack of courtroom decorum reflected both the defense's rejection of the court's authority and personified the "free" unrestrained lifestyle that they espoused. It was a natural extension of guerrila theatre brought into the courtroom.

Legitimization

The final strategy of the defense was that of Legitimization. At the same time that the defense participated in acts designed to villfy and ridicule the existing system and those who supported that system, it also engaged in rhetorical acts that were designed to suggest that their alternative was a desirable one.

Witnesses were called who seemed to give credibility to their view of reality. These ranged from religious figures (priests, ministers, and rabbis) to major influentials like Ralph Abernathy and Ramsey Clarke. It also included the calling of very average people as witnesses (a sixty-five year old grandmother, a frozen pizza manufacturer and even a cost consultant for a "bra cup" manufacturer). While this was probably the least used strategy of the defense, it did function to suggest that the New Left view of the world had broad support among individuals acceptable to contemporary society.

Thus, throughout the Conspiracy Trial of the Chicago Seven, the defense engaged in five rhetorical strategies that can best be described as deliberative. What emerges from these strategies is a worldview that sees this society as corrupt with racism, war, and the repression of dissent; a society controlled by men who are both evil in their intent and humorous in their adherence to formality. It is a worldview that offers as an alternative, a lifestyle that claims its legitimacy from people prominent and common who have experienced the same lack of adherence to values by our society.

POLICY ISSUES AND RHETORICAL STRATEGIES

It would be difficult to evaluate the strategies used in this trial to advance the proposition of policy using traditional tests of evidence and reasoning.. Nor would such an exercise be particularly fruitful. The arguments are rarely supported with evidence, the presentation is indirect and often only inferred from the acts of the participants, and the efforts at rebuttal are rarely present. But what does emerge from this analysis is the conclusion that there exists a relationship between the strategies used by the defendants and the classical concept of "stock issues" for a proposition of policy.

Hultzen in his famous work on Status in a deliberative setting identifies four stock issues for a proposition of policy. They are: Ill (establishing the existence of a problem in need of remedy), Blame (Identifying the cause of that problem), Cure (Establishing an alternative to the existing system designed to eliminate the problem) and Cost (Determining that the alternative is worth the potential new problems that might be posed by undertaking a change).[33] Hultzen argues that any attempt to address a proposition of policy is not complete unless these four issues are addressed.

Whether conscious[illegible] or unconsciously the strategies employed by the defendants during the Conspiracy Trial addressed the stock issues requirement outlined by Hultzen.

Universalization was used to broaden the problems discussed in the trial (Ill). Vilification and Satirization served to describe and attack the individuals and institutions of the existing system (Blame). Dramatization of the Alternative was the enactment of the life style that is being proposed (Cure). Legitimization was an attempt to suggest that the alternative was broadly accepted and not aggressive in nature (Cost). These strategies do not lend themselves to classical argumentation analysis. Reasoning, if apparent, was badly truncated, and evidence for assertions was rare. In many cases (e.g., Villification) description without support was typical.

Usually, the issues were asserted, implied, or simply acted out. The trial situation largely restricted any attempts to explain these issues. Indeed the few attempts to explain the New Left philosophy or the "Yippie Myth" were ruled inadmissible. Moreover, such a set of discourses would probably not have received much media attention. The dramatic, flamboyant, and unorthodox strategies of the defendants seemed more appropriate to the mass media.

At the same time, the fact that these strategies did address all of the stock issues meant that answers to the most common charges that could have been raised were answered, albeit in a very sketchy manner. Indictments made against the traditional American system were readily discernible. The kind of alternative being advanced could also be envisioned. In short, the whole analysis of the proposition of policy could be found in the strategies of the defense. Thus, the total effect was to provide skeletal answers to the stock issues for a proposition of policy.

SUMMARY

What then can we conclude from this analysis of the Conspiracy Trial of the Chicago Seven concerning the addressing of a policy proposition during a contemporary trial proceeding? First, where the trial is viewed as political, its significance can only partially be measured in terms of the verdict of judge or jury. It will, in the court and in the media, be defined by some in terms of how well the structures of a given society can withstand the charges leveled against it by those accused of violating its norms. Such a dimension to the trial is deliberative in nature. Such a trial, therefore, lends itself to a deliberative evaluation. Because it is also an act of public persuasion, it is also appropriate to evaluate such a trial as a rhetorical event.

A second conclusion is that the standard evaluations of the quality of proofs, and the adequacy of reasoning do not prove particularly insightful. In large part this is a reflection of the fact that the rules of a trial court do not allow deliberative issues to be addressed directly. Those discussions not directly related to the issue of guilt or innocence are precluded in such a proceeding. Thus, in order to address the deliberative question, participants must either violate the procedures or be circumspect. The result is that arguments are addressed by indirection and proofs are implied or dramatized. The acceptance of such proofs and arguments rests with the willingness of a public to accept them, and not with the tests of reasoning outlined in argumentation texts or rigorously demanded in a traditional courtroom proceeding.

A final conclusion is that rhetorical strategies, lacking the demands or rigor of proof advanced by the argumentation theorist and practioner, still may address the stock issues associated with a deliberative proposition. Such a relationship appeared in this trial and it seems reasonable to assume that such a pattern would be repeated. This probably reflects a desire to address the issues and concerns of a public that is not predisposed to the position of the defendants. Whatever the cause, this relationship is worth further examination by the critic of rhetorical argument.

End Notes

1. An excellent analysis of New Left philosophy is found in Massimo Teodori, *The New Left: A Documentary History* (Indianapolis: The Bobbs-Merrill Company, 1969).
2. Daniel Walker, *Rights in Conflict*, (New York: Bantam Press, 1968), p. 22.
3. *Ibid*., pp. 24-25.
4. David J. Danelski, "The Chicago Conspiracy Trial," *Political Trials*, ed. Theodore L. Becker (Indianapolis: The Bobbs-Merrill Company, 1971), pp. 135-136.
5. Patricia Sachs, ed., *The Black Panthers* (New York: Universal Publishing and Distributing Corporation, 1969), p. 19.
6. Danelski, "The Chicago Conspiracy Trial," p. 145.
7. William Kunstler, "An Interview, "Playboy, XVII (October, 1970), p. 71.
8. Danelski, "The Chicago Conspiracy Trial," p. 150.
9. Larry David Nachman, "The Political Meaning of Chicago." *Nation*, CCX (March 23, 1970), p. 327.
10. Kunstler, "An Interview," p. 78.
11. Tom Hayden, *Trial*, (New York: Holt, Rinehart & Winston, 1970), p. 79.
12. *United States of America v. David T. Dellinger*, et. al., No. 69 CR180 (1969), p. 34 hereinafter referred as *The Trial Transcript*.
13. *Ibid*., p. 20793.
14. *Ibid*., p. 3600.
15. *Ibid*., pp. 5022-5023.
16. *Ibid*., pp. 2191-2192.
17. *Ibid*., pp. 17364-17365.
18. *Ibid*., p. 21967.
19. *Ibid*., p. 21081.
20. *Ibid*., p. 20880.
21. *Ibid*., pp. 3600, 7343, 8610.
22. *Ibid*., pp. 11182, 19802.
23. *Ibid*., p. 21543.
24. *Ibid*., p. 19802.
25. Free (Abbie Hoffman), *Revolution for the Hell of It*, (New York: The Dial Press, Inc., 1968).
26. Irving J. Rein, *Rudy's Red Wagon: Communication Strategies in Contemporary Society*, (Glenville, IL: Scott, Foresman & Company, 1972), p. 9.
27. *The Trial Transcript*, pp. 3638-3639.
28. Ibid., pp. 12399-12401.
29. Ibid., pp. 12399-12401.
30. *Kunstler*, "An Interview," p. 82.
31. *The Trial Transcript*, p. 19669.
32. Ibid., p. 4815.
33. Lee Hultzen, "Status in Deliberative Analysis," *The Rhetorical Idion*, ed. Donald C. Bryant, (Ithaca, N.Y.: Cornell University Press, 1958).

THE UNIQUE ROLE OF LANGUAGE IN THE JUDICIAL PROCESS: AFTER-THE-FACT CLASSIFICATION OF HUMAN BEHAVIOR

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In the Land of Oz, it will be remembered, the Wizard surrounded himself with a spectacle of scintillating sights and sounds. One could come into his majestic presence only through the auspices of an intermediary; and those who did were awestruck. The Wizard's court is much like the court of law-taking on trappings which cause trepidation in the beholder. This is accomplished, in the case of our legal system, through the use of specialized vocabularies (*legalese*, or what Probert calls "legal-talk") and intricate procedures such as *stare decisis*, the examination of evidence, instructions to the jury and the *ratio decedendi*. And, of course, to make your way in legal-land you must have a licensed guide.

The effect of this formidable facade is to convince most citizens that while *the law* may be mysterious, surely it is elevated and scientific (indeed, one frequently hears the terms legal *science* and legal *engineering*). We believe the court to be the province of highly intelligent, erudite specialists. These brilliant caretakers, employing these sophisticated systems produce a marvelous thing-justice.

But ordinary citizens are not the only ones to stand in amazement before Justitia (Dice). Just as the Wizard of Oz began to believe in his own magical powers, so has the judiciary come to believe in its own verbal legal magic, to use the words of Judge Jerome Frank. Judge Frank's explanation suggests that it is perhaps inevitable that jurists should succumb to what he calls the "myths of court-house government":

> These practitioners of modern legal magic desire a legal system in which there is relatively little chance, contingency. They are afraid to admit to themselves that such is not the nature of our legal system. They want to believe that their desires are realized. Instead of saying, This is what I *wish would happen* in court," they say, "This is what usually *does happen* in court." They run away from a close inspection of the actual legal world, because such inspection would compel them to confess to themselves that that world does not meet their desires.[1]

This is not to suggest that no introspection has occurred. Around the turn of the century, the legal realists began to strip away the camouflage. Judge Frank's own book of some thirty years ago, *Courts on Trial*, signalled considerable analysis both from within and without the legal profession, including, of particular interest to us here, the semanticists and linguists. Especially provocative are the theories of Walter Probert, Professor of Law at the University of Florida, who draws upon "the likes of Wittgenstein, J.L. Austin, Korzybski, and McLuhan" (and Chomsky).[2] It is this perspective we use in the following thesis.

Just as a look behind the Wizard's stage revealed a very human character, it is our thesis here that a look behind the cloak of jurisprudence will uncover *a semantic ritual* employed to dignify a basic human process-judging others. The charade grows out of a simple-enough statement. In words similar to those in virtually all legal texts, the judicial function is to apply a rule of law (or statute) to a particular instance for purposes of rendering judgment. It is fascinating to contemplate how such an elaborate scheme blossoms from such a simple beginning.

We begin with an analysis of *rule of law*, that element of jurisprudence claimed to provide continuity, stability and disinterestedness to the administration of justice, as though there emerged from past experience a clear concept of human behavior by which to measure the particular behavior under consideration by the court. Indeed, this process is further elevated by the practice of applying to it the single word *law*, as in "the law holds that . . ." or "the law dictates . . .," or even "the law *is* . . ."-a personification (most often depicted graphically as a blind lady, frustrated because she cannot see which way her scales have tipped) which should win for Law a seat atop Olympus. Such a notion embodies the wishful thinking of those Judge Frank called "legal magicians":

> By excluding everything from the definition [of law] everything that is markedly uncertain and un-uniform, the law-definers have been able to make it appear, to themselves and to many others, that the peculiarly uncertain and wayward elements of litigation-since these elements are not part of Law, as defined by the definers-are without significance. In that way, the legal magicians manage to take comfort in a Law which is, or can be, rather stable, and to refuse to contemplate the chancy results of everyday law-suits.[3]

Whatever else may be said about a rule of law (or statute), undeniably, it is a collection of words-verbal symbols; and ought to be approached as just that, a semantic phenomenon. Obviously, judge dicta are not the past experiences themselves (The courts cannot witness the actual events, only verbalizations thereof.). Neither are they principles, precepts, concepts, or any other word which may trick us into believing that they are explicit, commonly-viewed descriptors which, like plastic transparencies, can be superimposed upon human episodes (to which the court is never witness, anyway, it should be remembered) for purposes of rendering judgment. The rule of law is simply a linguistic statement, subject to what we know and have yet to learn about semantic analysis. Doubters are invited to read Walter Probert's brief dialogue, "Show Me A Rule," appended to *Law, Language and Communication*. Given the ambiguity of language, one of the things we know is that a rule of law is not a rule at all, first, in the sense that it does not *rule*, that is, *dictate* what decision the court will reach. And second, for the same reason, it does not rule the behavior of citizens, since what the law *allows* (Olympian Oracles) can be known only when the deed is done, contested and adjudicated. Incidently, that is a phrase which should be used only in the past tense: what the law *allowed*. Put another way, the nature of language prevents realization of the avowed purpose of *stare decisis* to create a *classification* into which all subsequent actions will or will not fall. As expressed by Edward Levi:

> . . . the legal process is one in which the classification changes as the classification is made. The rules change as the rules are applied. More important, the rules arise out of a process which, while comparing fact situations, creates the rules and then applies them.[4]

If this appears to say that there really is no rule, only a decision, then perhaps we can better understand why Judge Frank swore off use of what he considered an "emotive," undefinable term-*law*.

Next we consider the judicial determination of the *facts* in the particular case to which a rule of law will be applied in judgment (all such details collectively termed *fact*). This is the *truth*-finding process conducted according to elaborate rules of admissability, materiality, examination, cross-examination and so on. We begin with the obvious: The events in question are in the past; they are not before the court. What then is before the court? Words. Despite efforts to describe the process as an approximation of reality ("*Reconstructing* the crime."), it remains essentially one of symbolic behavior (The jury may see the bruises, but they are *told* how they were acquired.). As Probert explains, much of the time the trial lawyer's arguments

> . . . will be pointing outside of the courtroom, even though he is dependent upon the here and now factors to aid in the persuasion, such as the charisma of a particular witness, or his own. After all, "facts are being proven," (there's one) that are supposed to be outside the courtroom, even though the persuasive factors are all inside.[5]

Perhaps this is most clearly seen when testimony focuses upon fault, intent and cause. In such instances, wrote Probert:

> . . . there is not the kind of fact question there might seem to be . . . "Intent" and "cause" are not merely truth reporter-descriptors . . ., but also fault-ascribers. So, to define "fault" in terms of those words involves one in the persuasive-manipulative (maybe creative) syndrome.[6]

The facts, irreverently called "guesses" by Judge Frank[7], now blend into judgment. The classification process is already underway; linguistically, we are bringing the behavior in a particular instance into the category represented by the general rule.

At this point, we examine more closely the dynamics of the process by which the rule of law (or statute) is applied to a particular case. We have seen that both theoretical elements in jurisprudence-law and fact-are verbal. It would seem evident, therefore, that the so-called application of the one to the other is semantic in nature, although this process is described traditionally as "logical" (more specifically, as deductive reasoning). But this notion is getting harder for theorists to swallow. Witness Levi's unsure defense of the word:

> It could be suggested that reasoning is not involved at all; that is, that no new insight is arrived at through a comparison of cases. But reasoning appears to be involved; the conclusion is arrived at through a process and was not immediately apparent. It seems better to say there is reasoning, but it is imperfect.[8]

Probert's contention is that this process, which he labels "law-fact dialectic," is better thought of as "definitional":

> But neither decisions nor interpretations in law seem to develop in a deductive way so much as by a process of correlation or association of law-generalities with the lesser generality or specifics of some situation. (Not the raw, sense-data specifics, but the verbal specifications which are at some level of generality!)
>
> . . . .
>
> But some sort of mutual evaluational accomodation between generality and specific-even in the routine situations-takes place as redefinition, either in the terms in the "given" generality or in the characteristics of the situation, or more likely both.[9]

The process is exemplified, Probert concluded, "when a court tells us what a battery is, and then absorbs its factual characterizations *into* that definition . . ."[10]

An example of "rhetorical definition" (Probert) is provided by a 1978 federal court case in which the semantic sensibilities of a jury of citizens triumphed over the court's effort to obfuscate the issue. A man, his employees and his company were charged with shipping obscene materials across state lines. Feeling the obvious need to clarify *obscene*, the presiding judge invoked the United States Supreme Court dictum that the jury must find that the work, taken as a whole, appeals to the prurient interest of an average person. Feeling the obvious need, the judge defined *prurient interest* as a "shameful or a morbid interest in sex or excretion or material having a tendency to excite lustful thoughts." The accused were acquited when the panel of jurers sent the judge a note declaring:

> The major problem is that we are convinced that the average person has a normal, healthy response to sex. We don't believe the average person is capable of having a shameful or morbid interest in sex or excretions. Therefore, the first half of the definition of prurient interest . . . is not relevant to the average person.[11]

An example in which "words consciousness" (Probert) revealed the inadequacy of the court's *definitional* application of a rule of law.

Behind the dazzling display of the Wizard of Oz was an ordinary mortal (albeit suffering from delusions of magical power). Behind the semantic screen surrounding the judiciary is a basic human process-passing judgment upon our fellows. Despite our efforts to give a semblance of objectivity, the process remains the subjective classification of verbalizations of human behavior.

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NOTES

[1] Jerome Frank, Courts on Trial (Princeton, New Jersey: Princeton University Press, 1950), p. 62.

[2] Walter Probert, Law, Language and Communication (Springfield, Illinois: Charles C. Thomas, 1972), p. xxiv.

[3] Frank, p. 66.

[4] Edward H. Levi, An Introduction to Legal Reasoning (Chicago: University of Chicago, 1948), pp. 3-4.

[5] Probert, p. 31.

[6] *Ibid.*, pp. 36-37.

[7] Frank, Chapter III.

[8] Levi, p. 3.

[9] Probert, p. 25.

[10] *Ibid.*, p. 32.

[11] Chicago Sun-Times, July 26, 1978.

A SITUATIONAL PERSPECTIVE FOR THE STUDY OF LEGAL ARGUMENT
A CASE STUDY OF
BROWN V. BOARD OF EDUCATION

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When confronted with the task of criticizing or explaining legal argument, two alternative methods immediately suggest themselves. First, one might impose traditional theories of argumentation upon the legal controversey at hand.[1] Secondly, one might study the law in order to determine the rules which govern argument in the legal setting and subsequently base the criticism or explanation on those legal rules.[2]

Although not without merit, both approaches seem to have limitations. Imposition of traditional theories of argumentation run the risk of ignoring characteristics of legal argument which are unique to that field and of confirming the theory rather than advancing understanding of the legal controversy under study. Studying the law as an initial step in criticizing the legal controversy, on the other hand, suggests that it is a field so much unto itself that rhetoricians or argumentation scholars can make few meaningful statements without forsaking the rhetorical perspective and adopting a new perspective--the law. And, of course, critical explanation of a legal controversy from a legal perspective runs the risk of providing no critical explanation since, more often than not, critical explanation gains its force from the differing perspective from which it is launched.

A third alternative for explaining legal controversy is one which attempts to describe the field of legal argument by empirical examination of legal controversy. In Black's vocabulary, this approach embodies an "emic" orientation, "holding that rhetorical transactions themselves constitute the chief source of knowledge in the field of rhetoric and the sole defensible ground for its theoretical formulations, . . . seeking to coax from the critical object its own essential form of disclosure."[3] According to Leff:

> The emic approach adopts the paradigm of interpretative theory. Its goal is explanation, and therefore the emic stance begins and ends with the particular object of study. Theoretical principles enter at the intersection between the object and the assignment of meaning to it, but such principles are so closely connected with the object of study that they are not easily isolated in abstract form.[4]

Michel Foucault suggests a similar type of emic orientation when he notes that: "One is led to the project of a pure description of discursive events as the horizon for the search for the unities that form within it."[5]

This descriptive method of analysis seems particularly useful for understanding a specific legal controversy and, therefore, for explaining the legal field, in general. It is our purpose to indicate the types of statements which can be made about the field of legal argument as a result of describing the legal controversy referred to as Brown v. Board of Education of Topeka. Our descriptive approach is characterized by an attempt to determine the rules which govern the production of statements in the legal setting. Throughout, we rely heavily on the writings of Michel Foucault.[6] This analysis is characterized in the following statement by Foucault:

> The analysis of the discursive field is oriented in a quite different way; we must grasp the statement in the exact specificity of its occurence; determine its conditions of existence, fix at least its limits, establish its correlations with other statements that may be connected with it, and show what other forms of statements it excludes. . . . The question proper to such an analysis might be formulated in this way: what is this specific existence that emerges from what is said and nowhere else?[7]

We base our attempt to characterize the legal field on a description of the Supreme Court decision in the Brown case. As Foucault puts it: "To define a system of [discursive] formation in its specific individuality is therefore to characterize a course or a group of statements by the regularity of a practice."[8]

Our description begins with the assumption that the text can be taken at face value. Consequently, we ground our analysis is a description of the actual Supreme Court decision in the Brown case, using this text to lead us to examination of the preceding oral arguments and briefs. Attention is given to the way in which statements are transformed from one stage of the proceedings to another. In addition, we compare the formation of discourse in the legal field to discourse formulated outside this institutional setting. The result of our description of the text and related texts is four statements about the Court. We believe these four statements exemplify the type of generalizations which can be made about legal argument as a result of describing a particular controversy. The case-study nature of this paper imposes the obvious limitation of making our statements about the field of legal argument not immediately generalizable. However, the case-study provides a starting point for theorizing about the legal field which is grounded in a rhetorical-argumentative perspective and allows for characteristics unique to the legal field.

The following four sections reflect generalizations about legal argument which arise from our descriptive analysis of the Brown decision. Within these four sections, the reader will find explanations of the Brown decision, statements about the Supreme Court, and statements about the legal field. Although we make all three types of statements, our focus is on the statements about the field. Statements about the particular case are illustrative of our statements about the field.

I

In this section, we focus on the rhetorical stance of the Court. The Court uses symbols to fix and define reality. The Court makes indeterminant situations determinant by issuing statements which are factual and absolute.

The Brown decision represents a product of argumentative discourse. The process of argumentation from which Brown emerges includes briefs and oral arguments, which define the reality of racial segregation in public education in a variety of ways. The Court's decision does not reflect a synthesis of differing interpretations or a compromise of divergent perspectives, as would a legislative product, but it proclaims a fact; it defines authoritatively a reality and thereby creates that reality. The formal structure of the Court proceedings and the language of the decision reflect facticity and absolutism.

There are several statements that can be made about the proceedings that begin to characterize the Court's role. We know, from examining the oral arguments and briefs, that the Court can accept many descriptions of the facts of the case: at least two descriptions from the two parties to the suit and perhaps many others from friends of the Court. In Brown, the Court received 24 briefs. We know also that the Court can request particular investigations, as it did in the Brown case when it ordered reargument on the circumstances surrounding the adoption of the Fourteenth Amendment. And we know that the Court can use cross-examination of the counsel to direct the focus of oral argument in one direction rather than in another. For example, consider the following exchange:

> Justice Reed: Was there any evidence in the record to show the inability, the lesser ability, of the child in the segregated schools?
>
> Mr. Carter: Yes, sir, there was a great deal of testimony on the impact of racial distinctions and segregation, on the emotional and mental development of a child. Now this is, in summary, Finding 8 of the court, a summarization of the evidence that we introduced on that.
>
> Justice Reed: And the findings go to the ability to learn or merely on emotional reaction?
>
> Mr. Carter: The finding says that--
>
> Justice Reed: I know about the finding, but the evidence?*

There is nothing unusual about this exchange, except that it occurs in the middle of Carter's argument about which precedent should be regarded as controlling. Since the amount of speaking time before the Supreme Court is limited, the Justices can effectively focus the discussion on their own interests, regardless of whether those interests coincide with those of the counsel. The image of the Court that emerges is of a body whose procedures are designed to gather information from a wide variety of sources.

The process, then, can only be described as an inquiry. The product of this inquiry, the decision, is a factual statement of the situation as the Court sees it. This is illustrated by the Courts's choice of language and by the structure of the discourse itself.

The decision begins with an account of past fact as the history of how the cases reached the Supreme Court is reviewed. An account of the reargument and the Court's view of the nature of the Fourteenth Amendment follows. This, too, is presented as a matter of past fact. Next, the Court reports the current status of education. This is followed by statements regarding the effect of segregation in public schools. Both the status of public education and the effects of segregation are presented as present fact. The accounts of present and past fact culminate in a proclamation by the Court. "We have now announced that such segregation is a denial of the equal protection of the laws."[10] This proclamation of the truth, or announcement of fact, or definition of the situation, is followed by an invitation for reargument regarding implementation. Thus, the bulk of the decision indicates the factual nature of the product while the invitation at the end indicates the inquiry nature of the process.

The decision is marked by reliance on the verb "to be," thus promoting a view of the Court's role as stater or definer of the facts:

> Separate educational facilities *are* inherently unequal. . . .
> [The investigations regarding the Fourteenth Amendment] *are* inconclusive.
> [The] question *is* directly presented.
> [Education] *is* the very foundation of good citizenship.
> [Equality of educational opportunities] *is* a right. . . .[11]

The Court's use of the verb "to be" not only suggests *what is* and *what is not* but also puts the decision in the active voice. Hence, verb phrases like "we find" and "we conclude" often make the Court the active subject who determines what is and what is not. Perhaps the only exception to the factual, active use of verbs is found in the final invitation for reargument concerning implementation. Here the passive voice ("was substituted," "is invited," "will be permitted") promotes those other than the Court as the actors who will influence what will later be found "to be" by the Court.

A second interesting quality of the decision's language is its isolation from language patterns supplied in the briefs and oral arguments. The only explicit mentioning of what was argued is found in three sentences near the beginning of the decision:

> The plaintiffs contend that segregated public schools are not "equal" and cannot be made "equal," and that hence they are deprived of the equal protection of the laws.
>
> Reargument was largely devoted to the circumstances surrounding the adoption of the Fourteenth Amendment in 1868. It covered exhaustively consideration of the Amendment in Congress, ratification by the states, then existing practices in racial segregation, and the views of proponents and opponents of the Amendment.[12]

We do not mean to say that other phrases in the decision are never reminiscent of phrases that occurred elsewhere; rather, we mean to point out that language is rarely attributed to a previous source. Instances of quotations are rare; there is only one major quotation in the decision.[13] There are a few other quotations relegated to the footnotes. The lack of an explicit transfer of statements from the briefs and oral arguments to the decision lends a factual quality to the discourse by purging statements made during a conditional process from the final product. Although a definition of the situation during the prior stages of the proceedings might have been contingent on the perspective being argued, the Court's decision appears to be not contingent at all.

The lack of qualified, or contingent, statements also pervades the discourse. The familiar "if...then" construction found in such argumentative discourse is absent in the *Brown* decision. Similarly, qualifiers such as "probably," "might," "could," and the like are rarely, if ever, used. Instead, words connoting absolutism—"must," "cannot," etc.--dominate the discourse. The result is a body of statements which seem absolute. The following sample of statements illustrates this point:

> Our decision, therefore, *cannot* turn on merely a comparison of these tangible factors in the Negro and white schools involved in each of these cases. We *must* look instead to the effect of segregation itself on public education.
> [We] *cannot* turn the clock back to 1868. . . .
> Such an opportunity, where the state has undertaken to provide it, is a right which *must* be made available to all on equal terms.
> The doctrine of "separate but equal" has no place."[14]

Clearly, the definition of the situation by the Court is not conditional (e.g. if racial mix contributes to educational development, then segregation is unconstitutional), but absolute (segregation in unconstitutional).

Two other considerations of the decision illustrate the themes of facticity and absolutism: the nature of public responses to the decision and the authorship of the decision. Both of these topics are discussed later in the paper. For the moment, however, we note that, in the considerable discussion and criticism that followed the 1954 decision, objections did not generally consist of rejections of the Court's findings of fact. That is, objectors did not contend that separate but equal was constitutional or that segregation in public schools was constitutional; the substance of the objections will be discussed later.

The foregoing analysis indicates an essential characteristic of the field of legal argument. Generally, argument is assumed to occur in the realm of the contingent. Certainly the process of argumentation in the legal field embodies the notion that the interaction that sparks a legal controversy may be defined variously. The product of that process, however, is not contingent or conditional. Instead, the factual and absolute character of a Court decision strips the situation of its ambiguity. The result is a symbolic creation of reality. Thus, when writers suggest that in this country, we have a habit of transforming some of our most controversial social, economic, political and philosophic issues into questions of law,[15] they may be reflecting a need to resolve controversy in an absolute fashion--by substituting an unconditional statement of the situation for a variety of conditional statements of the situation. When our society can no longer withstand a variety of mutually exclusive descriptions of a situation, we may turn to the Supreme Court for an absolute and factual statement of the situation.

II

Statements of the Court reflect and create a cloak of authoritative power for this institution. In this section, we examine the Court's use of language and procedure to create a presumption of legitimacy. An analysis of the text reveals three characteristics of the language therein, each of which seems to promote the legitimacy of the Court.

One way in which the Court speaks authoritatively is evident by their emphasis on who the speaker is. Throughout the decision, statements are personalized by the use of either the personal pronoun "we" or "this Court." Phrases like the following are frequent:

> We come. . .
> We must consider. . .
> We conclude. . .
> We have now announced. . .
> The Court took jurisdiction. . .
> This Court construed the Fourteenth Amendment. . .
> The Court interpreted. . .[16]

The use of "we" and "the Court" not only puts the Court in the active position as subject, but also reinforces the notion that the decision flows from a particular, authoritative institution of government.

It is difficult to identify just who that authoritative institution of government is. There are three legitimate answers to the question: who is the speaker in the Brown decision? On the one hand, one might answer that Earl Warren is the speaker, for he wrote the decision.[17] Because any of the Justices could have been assigned the task of writing the opinion of the Court, the fact that Warren--Chief Justice and symbolic head of the Court--drafted the decision himself endows the decision with added authority. Secondly, one might specify the entire court as the speaker, for the decision was unanimous. Unanimous decisions are not especially common in the Supreme Court. When they occur, they suggest a certainty of judgement, an absolute agreement, a firm consensus that would be diminished greatly by one or two dissenting opinions or even by separate concurring opinions.[18] Finally, the speaker was the Supreme Court, as opposed to any other court. The Supreme Court, at the top of the ladder in the American judiciary, is the authority on the meaning of the Constitution. It cannot be overruled by any court except itself.

A second indication of the theme of authoritativeness is the Court's tendency to subordinate non-judicial authorities and to promote judicial authorities on the subject at issue. A reading of the text reveals only three direct quotations. While it is apparent from an examination of the oral arguments and briefs that several statements in the text are paraphrases of previous statements by other sources, this is not acknowledged in the text. Furthermore, an examination of the footnotes indicates that the footnotes are not used to attribute paraphrased statements to another source; instead, the footnotes tend to elaborate on the judicial statements to which they are attached. The paucity of direct quotations is one indication of the subordination of non-judicial authority. The fact that all of these direct quotations are from either the Court itself or a district court provides further evidence for a lack of reliance on non-judicial authority.[19]

The only exception to the trend just noted is the Court's reference to "modern authority" when it describes the psychological knowledge at the time of the decision. This reference, however, is meager. There are no direct quotations from this so-called modern authority; instead, the reader is directed to a footnote which lists only seven (out of dozens presented in the oral arguments and briefs) social scientific studies. Neither the text nor the footnotes provide a review of the substantive opinion of this authority.

A third indication of the authoritativeness of the Court's decision is found in the selectivity exhibited by the structure of the decision. By selectivity, we mean which topics the Court chose to include as well as the manner and extent of treatment of those topics. At the outset, we should highlight the breadth of material from which the Court could have chosen. The Court received some 24 briefs from 14 sources; it listened to days of oral argument.[20] Yet much of the substance of these briefs and oral arguments is not discussed in the eleven page final decision.

What the Court does choose to include in its decision is the following: a brief legal history of the cases in question, a discussion of the Fourteenth Amendment (its intent and its relevance in this case), an assessment of the status of public education, a discussion of the effects of segregation on public education, and an invitation for reargument regarding implementation. What the Court does not discuss is too long to list, but the following issues are among such a list: the economic cost of segregation,[21] that segregation intensifies a social classification based on preexisting inequality,[22] the issue of states' rights,[23] the peaceful or hostile nature of integration,[24] etc. What is important is not so much that the Court ignored these issues but the way in which the Court ignored them. The Court does not mention these other issues. It does not explain that other issues were raised but found to be irrelevant. It does not provide grounds for choosing the issues which are included. Apparently, the Court felt no need to either announce or justify its selections.

The treatment of those issues discussed by the Court indicates an air of authority as well. Only two of the issues discussed reflect explicit reason-giving behavior. Words such as "because," "therefore," "an additional reason,"--which we take to be indications of explicit reason-giving--are found only when the Court explains that the Fourteenth Amendment is irrelevant to its decision and that reargument was necessary before implementation. Elsewhere, where the Court declares the issues on which the decision will turn and elaborates on those issues, explicit reason-giving is absent. For example, the Court says, "We must look instead to the effect of segregation itself on public education.[25] Prior to their discussion of the status of public education, the Court writes: "In approaching this problem, we cannot turn the clock back to 1868. . . . We must consider public education in the light of its full development and its present place. . .[26] Although the reader of the two previous passages might expect some indications of the reasons for why the clock must not be turned back or why the effects of segregation must be looked at, the Court provides none explicitly.

Similarly, when reasons are given, as in the case of the Fourteenth Amendment issue, they are based on the authority and sagacity of the Court. For example, in regard to the Fourteenth Amendment issue, the Court writes: "This discussion [reargument] and our own investigation convince us that, although these sources cast some light, it is not enough to resolve the problem with which we are faced."[27] The proof appears to exist in the utterance. There is no review of arguments with a demonstration of their inadequacy. There is only the most cavalier assessment that there were two extremes and an expansive middle ground. Hence, both the reason-giving process and the use of proof seems to rely on authoritative warrants where the Court is most often the authority.

Finally, the discourse of lower courts reflects the authority of the Supreme Court, as well. The Kansas district court justifies its decision in *Brown* with a statement about the Supreme Court's power: "As a subordinate court in the federal judicial system, we seek the answer to this constitutional question in the decisions of the Supreme Court when it has spoken on the subject and do not substitute our own views for the declared law by the Supreme Court."[28]

The emphasis on this Court as the speaker, the infrequent use of non-judicial authorities, the assumption of judicial authority reflected by the lack of explicit reason-giving and the power recognized by lower courts gives the discourse an authoritative aura and reinforces the power and legitimacy of the Court. On first glance, one might infer that the Court operates within a closed system of discourse, divorced from other discursive domains. In light of characteristics of the Court discussed in following sections of this paper, however, such an inference would be hasty. Rather, the authoritative character of legal statements seems to reinforce the notion that the Court acts as an ultimate definer of behavior.

III

The Court considers social conditions when attributing meaning to legal statements. In other words, the Court determines the meaning of Constitutional provisions and previous decrees according to the surrounding milieu of social conditions. It is not simply a matter of the Court's decision being influenced by social conditions, but rather the Court's decision embodies the prevailing social conditions. This conclusion is supported by various aspects of the decision in the *Brown* case.

The text of the decision reveals three distinct characterizations of the controversy. In the second paragraph of the decision, Chief Justice Warren writes: "In each of the cases other than the Delaware case, a three-judge federal district court denied relief to the plaintiffs on the so-called 'separate but equal' doctrine announced by this Court in Plessy v. Ferguson." Later in the decision, Warren discusses the grounds upon which the Court must decide, he states: "Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws." Still later in the decision, this statement appears: "We come then to the question presented: Does segregation of children in public schools solely on the basis of race. . . deprive the children of the minority group of equal educational opportunities?" These three quotations indicate that the controversy can be defined as a challenge to the separate but equal doctrine, or as an instance of denial of equal protection under the Fourteenth Amendment or as a denial of equal educational opportunity.[29]

Because the characterization of a problem or issue guides the discursive treatment of that problem or issue, attention must be given to the analytical systems invited by each characterization and to the relationships among these systems. The definition of the case as a challenge to the separate but equal doctrine appears to suggest a legal paradigm for resolving the dispute. The Court's discussion of the origin of this doctrine and its review of the doctrine's application illustrates the legal paradigm. One would expect the use of such a paradigm to include reliance on legal authority, stringent application of a legal rule (the doctrine handed down in Plessy) to the particular case, etc. Indeed, the treatment of this doctrine in the briefs, oral arguments, and lower court decisions follows a legal sort of analytical system.[30]

The definition of the issue as a denial of equal protection, on the other hand, suggests what might be called an historical paradigm. The Court's treatment of the Fourteenth Amendment issue emphasizes the amendment's intent. In fact, the reargument demanded by the Court "was largely devoted to the circumstances surrounding the adoption of the Fourteenth Amendment in 1868."[31] Hence, a decision based on the definition of equal protection would seem to turn on historical data and an understanding of constitutional or legislative intent.

In contrast, the definition of the controversy as a question of equal educational opportunity seems to reflect what we refer to as a social paradigm. The social paradigm seems to be characterized by an examination of the effect of the existing social conditions. As Warren writes: "We must look instead to the effect of segregation itself on public education."[32] This statement suggests an examination of public education and segregation which relies on authorities outside the legal institution.

The Court's method of resolving each of the three questions discussed above relies heavily on social conditions. The separate but equal doctrine is deemed invalid by definition. Data concerning the effects of separateness (segregation) is used to find that equality cannot exist when separateness exists.

> We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal.[33]

Thus an examination of social effects is used not to make a legal judgement that the particular case falls outside the purview of this doctrine, but rather to suggest that the doctrine is unacceptable by definition.

Social conditions and effects are used in a slightly different manner to dismiss the analytical system of equal protection. Here, the Court uses an examination of social conditions to determine the intent of the Fourteenth Amendment and to dismiss this analytical system as irrelevant. The Court decision provides two explanations as to why a determination of intent of the Fourteenth Amendment is inconclusive. First, "the circumstances surrounding the adoption of the Fourteenth Amendment. . . cannot be determined with any degree of certainty." Secondly, "an additional reason for the inconclusive nature of the Amendment's history, with respect to segregated schools, is the status of public education at that time."[34] Throughout, the Court attempts to establish the intent or lack thereof by examining the social conditions surrounding the passage of the Fourteenth Amendment, and eventually dismisses its relevance as a consequence of changed social conditions.

The preference for a social paradigm exhibited by the Court's rejection/resolution of the historical and legal paradigms is reinforced by their use of the social paradigm itself. The use of the social paradigm is apparent from the Court's discussion of the effects of segregation. They first cite the precedents of Sweatt v. Painter and McLaurin v. Oklahoma State Regents. The relevance of both of these cases suggested in the decision is that they were concerned with intangible social effects of segregation. Following the citations of these cases, Warren writes:

> Such considerations apply with added force to children in grade and high schools. To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.[35]

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Thus precedent is used to document social effects of segregation rather than to validate or define a point of law.

The second area of proof of social effect used by the Court is a finding of fact by the lower court in Kansas. This constitutes the only direct quotation of any length appearing in the *Brown* decision. It reads as follows:

> Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the negro group. A sense of inferiority affects the motivation of the child to learn. Segregation with the sanction of law, therefore, has a tendency to [retard] the educational and mental development of negro children and to deprive them of some of the benefits they would receive in a racial[ly] integrated school system.[36]

Thus the Court uses a legal source (another court's finding) to explain a social effect. Perhaps as important as the substance of the previous quotation is the Court's comment about it which follows immediately. Warren writes: "Whatever may have been the extent of psychological knowledge at the time of *Plessy v. Ferguson*, this finding is amply supported by modern authority."[37] Hence, the backing for this judicial authority was social scientific authority.

An analysis of the text of the decision, then, suggests that the Court based its ultimate decision on social effects as documented by social scientists. Its basis for striking the separate but equal doctrine was the finding of social effects. Its exploration into the relevance and intent of the Fourteenth Amendment was based on analysis of the social milieu.

An examination of the way in which the Court utilized precedent provides another type of support for our argument that the Court attributes meaning to legal statements by looking at social conditions. The Court's use of precedent exhibits two distinct characteristics. First, despite the plethora of precedent available for use,[38] the Court cites only *Sweatt* and *McLaurin* when they explain their decision. Secondly, the Court strikes precedent from only one case, *Plessy v. Ferguson*, although other cases had denied relief to Negroes.

It is interesting to note the grounds upon which *Plessy* was overruled. Although early in the decision the Court notes that *Plessy* involved transportation rather than education,[39] this distinction is not used as the reason for the inapplicability of *Plessy*. Rather, the Court strikes *Plessy* on the grounds that modern psychological authority contradicts the findings in Plessy. In other words, the role of public education and the status of knowledge regarding the social effects of segregation has changed such that *Plessy* no longer applies. Thus *Plessy* is not ruled inapplicable by legal standards (i.e., it dealt with transportation rather than education) but by social standards (i.e., equality is not an attribute of separateness).

Similarly, in its review of *Sweatt* and *McLaurin* early in the decision, the Court notes that it was not necessary to review the separate but equal doctrine to grant relief.[40] Yet, the Court uses these two cases to disprove the validity of the doctrine later in the text when they note that both cases illustrate the debilitating effects of segregation. Hence, these precedents seem not to be chosen for their relevance in terms of a similar legal question (validity or relevance of a legal principle), but for their contribution for understanding the social effects of segregation.

The importance of the Court's treatment of precedent just described is highlighted by a comparison with the lower district court's treatment of precedent. Attorney Carter pointed out during the oral argument that "the [district] court felt that the rule of law applicable in the *McLaurin* and *Sweatt* cases should apply but felt that it was constrained and prevented from doing that by virtue of *Plessy v. Ferguson* and *Gong Lum v. Rice*." [41] A reading of the text of the district court's decision reveals a reliance on *Plessy* and *Gong Lum*. *Plessy* was upheld, according to the district court, because: "On numerous occasions the Supreme Court has been asked to overrule the Plessy case. This the Supreme Court refused to do." Similarly, they applied *Gong Lum* by noting that: "The court held [in this case] that the question of segregation was within the discretion of the state in regulating its public schools and did not conflict with the Fourteenth Amendment."[42] Thus the district court appeared to apply rules of law (e.g., states' rights to segregate) in isolation from changing social conditions. When confronted with the opportunity to deviate from *Plessy*, the district court cited judicial history (the lack of an overruling of *Plessy* specifically). This analysis suggests that the emphasis on social conditions may apply only to the Supreme Court, rather than to lower courts. Lower courts appear to rely on a different system of interpretation, perhaps what was referred to earlier as a legal paradigm.

Considering the relationship between the Supreme Court and lower courts, it is not surprising that although the high Court may make a legal statement according to a social effects standard that statement may be used subsequently according to a legal standard. The Court appears to consider social conditions primarily when a legal statement is called into question as in the cases of both the separate but equal doctrine and the Fourteenth Amendment, but subsequent uses of the legal statement in situations where it is not called into question follow a legal framework. For example, in the 1955 opinion of the Court concerning the implementation of the Brown decision, Warren writes:

> The opinions of that date [May 17,1954] declar[ed] the fundamental principle that racial discrimination in public education is unconstitutional. . . ."[4]

This statement appears to embody the legal paradigm. There is no statement that minority groups suffer evil effects as a result of racial discrimination in public education as was the case throughout the 1954 decision. Instead, the statement of social effects is transformed into a legal statement by deeming discrimination unconstitutional. In other words, the process of legal determination appears to rely on social effects and conditions; but the product of the legal determination--the legal statement as transferred to other settings in the legal domain--appears as a rule of law or definition.

As is apparent from Section I of this paper, legal statements are often written as if they are divorced from social considerations. Lower courts often use legal statements as if they were neutral principles. When legal statements are called into question and must be redefined, however, social conditions prevail as the mode of interpretation. Consequently, legal statements embody social conditions.

IV

In this section we focus on the ability of the Court to direct discursive practice, both within the process of adjudicating the particular case and in a variety of discursive domains after the decison was announced.

Prior to the Brown decision, the segregation of Blacks in public schools was an appropriate topic of discussion for any group concerned with public affairs. Deliberative bodies on the local, state or federal level could argue the merits of a public policy that forced or encouraged separation of the races; educators could investigate the extent of segregation, its effects on education and the like; social scientists might examine the impact of segregation, not only on the education of Blacks, but also on the society as a whole; the legal community might speculate about questions of constitutionality; and certainly other groups could have addressed the issue from their own particular vantage point.

Certainly, any of several bodies concerned with public affairs *might* have become the dominant spokesman on the segregation issue. But it was the Supreme Court, when it accepted probable jurisdiction on June 9, 1952, that actually assumed that role. The Court itself leads us to believe that it was not entirely sure of its role: in the 1953 order for reargument, the Court invited discussion by the parties to the suit (and accepted discussion from various *amici*) on whether or not the Court had the authority to abolish segregation. Specifically, the Court requested consideration of the following questions:

> 2. If neither the Congress in submitting nor the States in ratifying the Fourteenth Amendment understood that compliance with it would require the immediate abolition of segregation in public schools, was it nevertheless the understanding of the framers of the Amendment (a) that future Congresses might, in the exercise of their power under section 5 of the Amendment, abolish such segregation, or (b) that it would be within the judicial power, in light of future conditions, to construe the Amendment as abolishing such segregation of its own force?
>
> 3. On the assumption that the answers to questions 2 (a) and (b) do not dispose of the issue, is it within the judicial power, in construing the Amendment, to abolish segregation in public schools?[44]

It is interesting to note that the question of whether the Court had the authority to abolish segregation does not appear anywhere in the text of the decision; evidently, their manifest willingness to make a decision rendered that issue moot.

The Court has a variety of opportunities for controlling discourse in its own domain, of which the above order for reargument is but one example. Perhaps the most obvious means for directing discourse in its own domain is the Court's power to accept or reject jurisdiction in a particular case. The order for reargument on the Fourteenth Amendment as well as the reargument requested at the end of the 1954 decision exemplify the Court's ability to direct discourse in their process of conducting inquiry (as discussed in section II); the Court can assume a role as the initiator of a process designed to produce information desired or needed by the Court. The questioning of counsel during oral arguments provides another opportunity for the Court to direct discourse within its own domain. Earlier in this paper we referred to an exchange between Justice Reed and Attorney Carter in which Justice Reed exercised his perogative to turn the counsel's remarks in a particular direction. Other examples illustrate a Justice, not simply orchestrating the focus of the oral argument, but supplying an argument to counsel and, thus, contributing to the shape of future argumentation. The following example is a continuation of the previous exchange between Justice Reed and Mr. Carter; Justice Burton intervenes as follows:

> Justice Burton: It is your position that there is a great deal more to the educational process even in the elementary school than what you read in the books?
>
> Mr. Carter: Yes, sir, that is precisely the point.
>
> Justice Burton: And it is on that basis which makes a real difference whether it is segregated or not? [sic]
>
> Mr. Carter: Yes, sir. We say that the question of your physical facilities is not enough. . . .[45]

In a second example, Mr. Carter is trying to clarify his position on whether or not the separate but equal doctrine must be directly overruled for Justice Frankfurter. This time, Justice Douglas helps Mr. Carter construct his argument:

> Justice Frankfurter: Are you saying that we can say that "separate but equal" is not a doctrine that is relevant at the primary school level? Is that what you are saying?
>
> Justice Douglas: I think you are saying that segregation may be all right in street cars and railroad cars and restaurants, but that is all that we have decided.
>
> Mr. Carter: That is the only place that you have decided that it is all right.
>
> Justice Douglas: And that education is different, education is different from that.
>
> Mr. Carter: Yes, sir.
>
> Justice Douglas: That is your argument, is it not? Isn't that your argument in this case?
>
> Mr. Carter: Yes.[46]

The Brown decision, then, indicates that the Court can direct discourse within its own domain by specifying the subject matter to be discussed and by guiding the actual discussion.

The cumulative effect of the Court's discursive practice within its own domain is to influence discourse outside the domain as well. The decision in *Brown* represents an appropriation of public discourse; once the question of segregation entered the public arena *via* the Supreme Court, the ability of all other groups to talk about segregation was changed. Stated another way, the relationship among the various domains of discourse changed. Prior to the Court's decision, individual groups retained control over the definition of policy regarding segregation. Such groups could act or not act as they saw fit; they were autonomous. The Court's decision denied individual groups autonomy and, simultaneously, eliminated their potential to become dominant spokesmen on the issue. The decision also limited the range of issues that could be regarded as focal points in a discussion of segregation. By assuming the role of primary spokesman on the segregation issue, the Court claimed power of definition; other potential ways of defining the focus of the controversy were nullified by the Court's specification of the issue.

The changed relationship among domains concerned with segregation is revealed most clearly by the responses from various camps to the *Brown* decision. In the responses that we have examined it is universally the case that objection to the *Brown* decision turned on the relationship between the Court and other groups rather than on the particular findings of the Court.

One of the strongest objections to *Brown* came from Southern Congressmen in their 1956 Declaration of Constitutional Principles. While the Southern Manifesto, as it came to be called, objected that the decision was "contrary to the Constitution," it focused its attack on the legitimate role of the judiciary: "We regard the decision of the Supreme Court in the school cases as a clear abuse of judicial power. . . . We decry the Supreme Court's encroachment on rights reserved to the States and to the people, contrary to established law, and to the Constitution."[47] Although they were probably loathe to hear them, the South did not argue with the Court's statements that separate facilities were inherently unequal, that separate facilities resulted in a denial of equal educational opportunities, that separate facilities resulted in psychological damage, and so forth; the South objected to the Supreme Court's authority to *impose those findings* on the South at all.

Consideration of the *Brown* decision in the legal community reflects a similar concern for the changed relationship between the Supreme Court and other domains. There were three basic objections to the *Brown* decision from the legal community. Some viewed the decision as inappropriate for the Court at all; the issue was political rather than legal. Others decried the lack of legal reasoning, arguing that failure to provide legal precedent as the point of departure in the Court's argument undermined the principle of legitimacy upon which the Court's authority rests. Still others objected to the inclusion of sociological and psychological testimony, arguing that such testimony was inappropriate in a court of law and/or that it was destined to create indignation and hostility from conservatives and moderates alike.** There is a great deal of fascinating and persuasive literature defending judicial restraint. But from a pragmatic point of view, one is struck by a certin irony in much of the legal controversy. Although almost all legal commentators acknowledge that the Court's action was just, many of them argue, at the same time, that the Court should follow a procedure that would have made that just decision impossible. Cox, for example, contends that "failure to follow Plessy damaged the Court's legitimacy and credibility."***

One of the effects of the Court's appropriation of public discourse was the generation of new objects of discourse in other domains. Earlier in this paper, we have discussed the Court's ability to definitively and absolutely characterize a complex situation and the Court's treatment of the segregation issue from a social rather than a legal or historical perspective. Important as these themes are to understanding the Brown decision in its specific occurrence, they fade into the broad category of past fact once the decision is announced. That is, these themes exert influence on discursive practice surrounding the creation of the Brown decision, but once the themes are themselves fixed in and by the decision, they become less influential. The decision discourages discourse on those matters which are treated as decided facts. Thus, once the Court has declared that segregation is unconstitutional, that segregation is psychologically damaging, that the history of the Fourteenth Amendment provides no clear directive on the intent of the framers of the amendment, and so forth--once the Court has announced these facts, there is little reason for any public body to take up these "facts" as the focus of their discourse.

The decision encourages other domains to turn their comments away from issues generated by the Court's focus and toward the converse of those issues. Specifically, because the creation of the decision generated issues that focused on segregation (its occurence, its history, its effects, etc.), and because the decision provided the factual resolution of those issues, it encourages future discourse about desegregation.

253 An analysis of the entries in the Public Affairs Information Service index supports this finding. Although certainly PAIS does not provide exhaustive coverage of the

discussion of segregation, it has the advantage of cataloging a wide variety of printed material (popular magazines, books, government reports, etc.) from a variety of domains (law schools, legislatures, political and academic interest groups, and popular journalists).

We examined the material under the main heading "Negroes," sub-heading, "education" from 1950 to 1957. Prior to the *Brown* decision (1950-1953), neither segregation nor desegregation appears with frequency in the titles of articles. In 1950, for example, one citation of the 24 listed included the word "segregation;" none employed desegregation or integration. The 1951 listing showed 4 citations about segregation and none about desegregation. In 1952, one of the 22 citations included segregation; although 7 citations used the word integration (the first time this word appears), all of the articles stemmed from one conference sponsored by the *Journal of Negro Education* and entitled "The Courts and Racial Integration." The trend continued in 1953 as 3 citations referred to segregation and one to integration in the 11 articles indexed. Concurrent with the *Brown* decision, in 1954, segretation dominates the citations: 19 or 35 include segregation while only 2 include integration.**

The citations in 1955 demonstrate a shift in the characterization of the issues. Of 57 citations, 24 include "desegregation," "integration," or "mixed" in the title; 16 refer to "segregation." Although segregation is still used as a descriptor, clearly the need for discourse about its converse is reflected by the increased use of ther terms desegregation, integration and mixed. The 1956 list verfies this trend. 23 of 47 citations employ the integration-words, while only 10 utilize segregation. The lack of any citation including either category of word in 1957 denotes an even more striking reflection of the alteration of discourse. The reader is referred to a note to "see also: Education--Integration and Segregation." 1957 marks the first year in which such a category exists. Prior to 1957, and beginning in 1951, a category entitled "segregation" existed; but until 1955, no citation in this category included words such as desegregation or integration. The 1957 category (integration and segregation) not only includes integration but is dominated by that term. Of the 27 citations (prior to 1957 the largest number of citations was seven), 13 included integration, 5 included desegregation and 9 included segregation.

Not only did the analysis of index listing indicate a shift in the topics of discourse (segregation versus desegregation), but also a shift in the sources of discourse. For example, in 1950 over two-thirds of the entries (18 of 24) come from Negro groups (*Phylon* , *Journal of Negro Education*) in fact, almost half come from *Journal*

Of Negro Education alone. Conspicuous in their absence are law journals, government reports and popular periodicals. In contrast, only 13 of the 57 1955 citations are from the Negro sources. A variety of domains appear to be writing on the subject: 9 government reports, 6 law journal articles, 15 articles in popular periodicals and 12 articles in academic journals or books printed by university presses appear.

The type of discourse encouraged by the topic of segregation focused on a question of the nature, extent and effects of an existent policy or institution. The *Brown* decision, by replacing the characterization of segregation with a characterization of desegregation, encourages a new type of discursive question. The concept of integration symbolizes a change which requires discourse about *how* to desegregate. The Court explicitly requests information regarding how to implement its decision in the last lines of the decision. The order for reargument on implementation creates a demand for the consideration of political dimensions; it moves the Court and all those who speak before it away from a consideration of "what is the case" and toward a consideration of "how to" implement that which is the case; its end is not a proclamation of truth but a pragmatic procedure for action.

This "how to" question is reflected in other discursive domains. For example, the *Virginia Quarterly Review* provides an article in the Spring of 1955 concerning two suggestions for carrying out the Supreme Court's decision against segregation. The *Journal of Negro Education* discusses the apprehensions of Negro teachers concerning desegregation in South Carolina in its Winter, 1955 issue. The *Socialist Call* and the *Lawyers Guild Review* also consider the problems associated with implementing the Court's decision.[51] Hence, the discourse initially turns from consideration of effects to considerations of how to conform to a new definition of the situation.

The alteration in relationships among the Court and other social institutions discussed earlier in this section alters the discourse in other domains, as well. The redefinition of segregation in public schools seems to be used analogically to generate discourse which speculates about the legitimacy of segregation in areas such as housing, recreation and the like. For example, *U.S. News* relates segregation in education to segregation in transportation in one article, and to mixed marriages in another; *Editorial Research Reports* relates segregation in education to segregation in churches.[52]

What this section seems to suggest is that after an issue enters the legal field, the discourse about that issue is altered, both within and without the legal field. Within its own domain, the Court can solicit, select, and direct the process of argumentation. This process results in a product which subsequently alters discourse throughout the judicial system (i.e., lower courts). Similarly, the effect of the factual, absolute, authoritative discursive event in the legal field approximates an appropriation of discourse by that field. Thus this product generates new objects of discourse across discursive domains.

CONCLUSION

Our purpose in this paper was to develop statements about the legal field by examining the Brown decision. The foregoing analysis provides four such statements: the Court makes indeterminant situations determinant by issuing statements which are factual and absolute; legal statements by the Court reflect and create a cloak of authoritative power; legal statements of the Court embody relevant social conditions; the Court's discursive practice alters discourse across discursive domains. Each of these statements has two constituents: one element characterizes the nature of the legal statement and the other characterizes the role of the Court. In other words, each statement indicates the nature of the legal field in isolation from and in relation to other fields.

Let us return to the nature of legal statements. Those statements are factual, absolute, authoritative and they embody social conditions. The Court's role is that of a powerful, ultimate definer and creator of discursive reality. The relationship between legal statements and the Court's role is circular and reinforcing: the nature of legal statements reflects the power and authority of the institution from which those statements arise; and, likewise, the nature of the Court's role constrains the type of statements which can emerge from that institution. An institution which is expected to resolve a dispute and define the situation can only issue definitive statements. To do otherwise would undermine its role.

The situation that the Court is called upon to define is always, at base, a social situation. Therefore, legal statements must necessarily embody social considerations. Although the Court must draw the substance of its statements from other domains, they must always transform that substance into a definitive form. Consequently, factual, absolute and authoritative statements exhibit an air of isolation from social conditions while, in fact, they embody those conditions.

The paradox just described regarding legal statements which are absolute yet which embody social conditions suggests the relationship of the legal field to other fields. Despite the Court's role as ultimate definer and creator of discursive reality, this field maintains a reciprocal relationship with other fields. Statements from other fields are transformed into legal statements when they enter the process of argumentation in the legal field. Similarly, the product of legal argumentation is transformed when it enters other discursive domains. Hence, legal discourse both influences and is influenced by discourse from other fields.

Our four generalizations about the legal field provide a basis for understanding the *Brown* decision. Many scholars have offered explanations and evaluations of the *Brown* decision. It does not take very long for one to accumulate an impressive array of, if not flatly contradictory, at least widely divergent assessments. Consider, for example, the following conclusions: Bishop explains the decision by suggesting that *Plessy* was on its last legs.[53] Cox, on the other hand, suggests that *Plessy* was still authoritative but that the Court was acting as the voice of the national conscience.[54] Goldberg labels *Brown* a social landmark,[55] while Steele argues that the Supreme Court was just catching up with the times.[56] Rodell's judgment that *Brown* was unique in "its dependence on social effects"[57] is contradicted by Liston's statement that "*Plessy v. Ferguson* wrote the prevailing sociological and psychological opinions of the day into law."[58]

What accounts for the variety of these statements? Our analysis suggests that the controversy regarding *Plessy* is irrelevant insofar as the Court itself determines what is authoritative; the statements above seem to imply that what will be considered authoritative is determined outside the Court. The conflict between Goldberg and Steele is explained by the reciprocal relationships between the legal field and other fields. The Court may catch up with the times by utilizing statements from other domains, but it simultaneously creates a social landmark by transforming those statements into definitive legal statements. The conflict between Rodell and Liston simply reveals the paradox already described which allows the Court to make legal statements which embody social conditions.

As we mentioned in the introduction, other criticisms of legal argument in general and of *Brown* in particular have tended to begin with assumptions about the Court and the field. Our analysis, however, has attempted to evolve a description of the field from an analysis of the particular case. The result of this effort suggests one way in which theory can emerge from criticism. Similar analyses of other Supreme Court decisions are needed to confirm, deny, or refine our generalizations. Furthermore, similar analyses of other aspects of the judicial system should produce generalizations that describe, for example, the unique characteristics of the lower courts, the relationships among lower courts and other domains, and the like. The result of such a research effort might be a clearer and more comprehensive understanding of the field of legal argument.

NOTES

[1] See, for example, David B. Strother, "Evidence, Argument and Decision in *Brown v. Board of Education*," unpub. diss. University of Illinois, 1958.

[2] See, for example, Stephen L. Wasby, Anthony A. D'Amato and Rosemary Metrailer, *Desegregation from Brown to Alexander* (*Carbondale: SIU Press, 1977*) Eugene Cook and William I. Potter, "The School Segregation Cases: Opposing the Opinion of the Supreme Court," *American Bar Association Journal*, 42 (April 1956), 313-315; Charles L. Black, Jr., "The Lawfulness of the Segregation Decisions," *Yale Law Journal*, 69 (January 1960), 421-430; Charles Fairman, "The Attack on the Segregation Cases," *Harvard Law Review*, 70 (November 1956), 83-94; George W. Stumberg, "The School Segregation Cases: Supporting the Opinion of the Supreme Court," *American Bar Association Journal*, 42 (April 1956), 318-320.

[3] Edwin Black, "A Note on Theory and Practice in Rhetorical Criticism," *Western Speech*, 44 (Fall 1980), 332.

[4] Michael Leff, "Interpretation and the Art of the Rhetorical Critic," *Western Speech*, 44 (Fall 1980), 348-349.

[5] Michel Foucault, *The Archaeology of Knowledge*, trans. A. M. Sheridan Smith (New York: Harper and Row Publishers, 1972), p. 27.

[6] In *The Archaeology of Knowledge*, Foucault provides a method for describing a discursive event which involves discovering the rules of discursive formation. The critic is directed to rules of objects, enunciative modalities, concepts, and strategies. Hence, one must describe: how is the object of discourse named and defined, who is allowed to speak about the object, who is allowed to define the object and speak as an authority, from what institutional sites do the speakers gain their legitimacy, what relationships do these institutional sites and speakers have with other sites and speakers, how is the discourse ordered (what types of dependencies exist between the statements), how are statements from other discursive fields transformed when they enter the formation under study, what is not talked about in the discourse, which statements are incompatible, what impact does the discourse under study have on other discourse, what is the relationship of the discourse to non-discursive practice? A full explanation of these rules of discursive formation may be found in *The Archaeology of Knowledge*, Chs. 3-6.

[7] Foucault, p. 28.

[8] Foucault, p. 74.

[9] Argument on Behalf of the Appellants before the Supreme Court, December 9, 1952, reprinted in Leon Friedman, ed., *Argument* (New York: Chelsea House Publishers, 1969), p. 17.

[10] "Brown v. Board of Education of Topeka, Kansas," *United States Reports*, vol. 347 (Washington: Government Printing Office, 1954), 495.

[11] *Brown*, pp. 486-496, emphasis added.

[12] *Brown*, pp. 488-489, emphasis added.

[13] That quotation is from the Kansas district court's Finding of Fact #8. It is mentioned in almost every brief submitted in defense of the appellants. A full discussion of this quotation is found in section III of this paper.

[14] *Brown*, pp. 486-496.

[15] Arthur J. Goldberg, *Equal Justice* (Evanston: Northwestern University Press, 1971), p. 30; see also, Archibald Cox, *The Warren Court* (Cambridge, Mass.: Harvard University Press, 1968), p. 2.

[16] *Brown*, pp. 486-496.

[17] S Sidney Ulmer, "Earl Warren and the Brown Decision," *The Journal of Politics*, 3 (August 1971), 698-699. Ulmer reports that the changes between the initial draft and the final decision were few in number and minor in substance.

[18] For a discussion of the uniqueness of unanimity and its power, see Walter F. Murphy, *Elements of Judicial Strategy* (Chicago: University of Chicago Press, 1964), p. 72. For a similar discussion which links Warren to the achievement of unanimity, see Ulmer, pp. 689-702.

[19] The three direct quotations found in the text are from the Court in *Sweatt v. Painter*, the Court in *McLaurin v. Oklahoma*, and the Kansas district court in *Brown*.

[20] For a compilation of documents submitted to the Court, see Phillip F. Kurland and Gerhard Casper, eds., *Landmark Briefs and Oral Arguments of the Supreme Court of the United States: Constitutional Law*, vol. 49 and 49A (Arlington, Va.: University Publications of America, Inc., 1975).

[21] Brief on Behalf of the American Civil Liberties Union, et. al. as *Amicus Curiae*, October, 1952; reprinted

in *Landmark Briefs*, pp. 169-194.

[22] Brief of the American Jewish Congress as *Amicus Curiae*, October, 1952; reprinted in *Landmark Briefs*, pp. 215-240.

[23] See 1952 Oral Arguments in Friedman, pp. 21-24; 27-32.

[24] Brief of the Congress of Industrial Organizations as *Amicus Curiae*, October, 1952; reprinted in *Landmark Briefs*, pp. 261-275; see also, Brief on Behalf of A.C.L.U., et. al.

[25] *Brown*, p. 492.

[26] *Brown*, p. 492.

[27] *Brown*, p. 489.

[28] District Court Decision in Brown v. Board of Education, August 5, 1951, reprinted in Friedman, pp. 539-540.

[29] *Brown*, pp. 488, 493; note the shift in language from "equal protection" to "equal educational opportunity."

[30] For example, Kansas argues in the 1952 oral arguments: "Therefore, it is our theory that this case resolves itself simply to this: whether the 'separate but equal' doctrine is still the law, and whether it is to be followed in this case by this Court." Reprinted in Friedman, p. 22; see also, p. 32 and Kansas District Court Decision, p. 540.

[31] *Brown*, p. 489.

[32] *Brown*, p. 492.

[33] *Brown*, p. 495.

[34] Both quotations occur in *Brown*, *p*. *489*.

[35] *Brown*, p. 494.

[36] *Brown*, p. 494.

[37] *Brown*, p. 494.

[38] In a review of cases involving the separate but equal doctrine in the field of public education, the Court lists *Cumming v. County Board of Education*, *Gong Lum v. Rice*, *Missouri ex. rel. Gaines v. Canada*, *Sipuel v. Oklahoma*, *Sweatt v. Painter*, and *McLaurin v. Oklahoma State Regents*.

[39] *Brown*, p. 491.

[40] *Brown*, p. 492.

[41] 1952 Oral Arguments, in Friedman, pp. 16-17.

[42] Kansas District Court, reprinted in Friedman, p. 540.

[43] *United States Reports*, vol. 349, p. 755.

[44] Intermediate Order of the Supreme Court, June 8, 1953, reprinted in Friedman, p. 177.

[45] 1953 Oral Arguments, in Friedman, p. 17.

[46] 1953 Oral Arguments, in Friedman, p. 22.

[47] Leonard W. Levy, Jr., ed., *The Supreme Court under Earl Warren* (New York: New York Times Co., 1972), p. 25.

[48] Joseph W. Bishop, Jr., "The Warren Court is Not Likely to be Overruled," in Levy, p. 68. See also, Robert A. Liston, *Tides of Justice* (New York: Delacorte Press, 1966), pp. 12-13, 26, 39-40. The articles listed in footnote #2 are also pertinent to this topic.

[49] Cox, pp. 25-26.

[50] Data from this paragraph and the following two paragraphs comes from the *Public Affairs Information Service Index*, vols. 36-43 (1950-1957).

[51] F. P. Graham, "The Need for Wisdom: Two Suggestions for Carrying Out the Supreme Court's Decision Against Segregation," *Virginia Quarterly Review*, 31 (Spring 1955), 192-212; J. F. Edwards and H. H. Doody, "Apprehensions of Negro Teachers Concerning Desegregation in South Carolina," *Journal of Negro Education*, 24 (Winter 1955), 26-43; Layle Lane, "How to Speed Integration: Implementing the Supreme Court Decision," *Socialist Call* (June 1955), pp. 6-8; L. L. Redding, "Desegregation in the Schools--Background, Developments and Proposals," *Lawyers Guild Review*, 14 (Winter 1954-55), 163-168; for other similar articles, see the PAIS volumes referenced above.

[52] "We've Been Asked About Travel Segregation," *U. S. News and World Report* (Dec. 9, 1955), pp. 80-81; "Where Segregation is Legal: Mixed Marriages Ban is About All That Remains," *U. S. News and World Report* (Nov. 18, 1955), p. 28+; Helen B. Shaffer, "Segregation in Churches," *Editorial Research Reports* (Sept. 3, 1954), pp. 659-676.

[53] Bishop, p. 99.

[54] Cox, p. 27.

[55] Goldberg, p. 21.

[56] Lewis M. Steele, "Nine Men in Black Who Think White," in Levy, pp. 82-92.

[57] Fred Rodell, "It is the Earl Warren Court," in Levy, pp. 136-139.

[58] Liston, p. 27.

"THINK LIKE A LAWYER": VALID LAW SCHOOL ADMONITION?*

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My purpose in joining you is to explore ways in which I can do my job better; part of that job being teaching law students to make effective legal arguments. The peculiar thing about the time I have chosen to participate in this gathering is that it seems to be a time in which those of you who teach argument in graduate and undergraduate settings are searching for ways to tell me you have nothing to offer, i.e., law is a field. And this comes at a time when I have come to believe that the emphasis on the differences between law and other disciplines is quite dangerous. It is, I suspect, dangerous because it works to deny us (lawyers) valuable assistance in thinking about and solving our problems. And it is dangerous because it limits our (law teachers) effectiveness as teachers. I believe that effective teaching shows students how what they need to learn relates to what they already know. 1/ If you think about it, its so obvious it seems hardly worthy of note. And yet what do we do in legal education? We announce about as boldly as we can to our students that all that has come before is not even prologue, but more likely a distraction. You must learn to use a new kind of library, a new way of writing, and, ta-dum, a new way of thinking: "Thinking like a lawyer."

As I attempt to think through the problems of being a more effective teacher I become more intrigued by the phrase "thinking like a lawyer." What does it mean? What does it imply? What effect does it have? I have come to believe that the phrase that we teach students to think like a lawyer is unfortunate for a variety of reasons. It assumes that we know how lawyers think, which we may not know. Rather we are probably referring to how lawyers argue. It assumes we know how to teach thinking skills. I believe few of us have given any serious thought to that subject and it is quite probable that none of us have an informed guess as to how to go about it. It represents that we have given serious thought to the multi-faceted nature of lawyering when it is most commonly used to defend an instructional tool (the case book) and an instructional technique (the "socratic" method) which are best suited primarily for appellate advocacy. 2/

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And finally, it assumes that there is something significantly different about the way lawyers think or argue from the way others do. It is primarily the last of these assumptions which I wish to confront in this paper.

My goal is not to prove that law is or is not a field or that fields do or do not exist. But rather I hope to provide a context in which such a discussion can take place. In fact, my hunch is that the appropriate question is not "Is law a field?" but rather "To what extent is law a field?" Rather than look for absolutes (because after all who cares if we can declare law a field?) we will be better off exploring ways in which the field concept may be helpful. I will return to this point in about one paragraph.

I propose that as we consider arguments that law is or is not a field we should ask three questions. First, are the characterizations of law accurate? I will, for example, discuss some aspects of legal argument in which Professor Toulmin is misleading. I will also try to set forth a "lay-out" for legal arguments. 3/ Second, we must ask whether our characterization of some other proposed field is accurate. I assume there is no way we can have only one field. The concept of a field necessarily involves the contrasting of at least two proposed fields. I will discuss briefly some thoughts I have about the similarity of areas we might be prone to contrast as fields. But they can by necessity rank as no more than random thoughts. To show similarities does not refute the idea that there are dissimilarities lurking which have not been considered. Third, we must ask the question are the contrasts we isolate, i.e., the characteristics of the fields we identify,significant. This is the point I said I would return to. I am sure we can identify religion and law as fields. In one we use the bible in the other the Revenue Code. But does that distinction help us in any way other than to tell us which book to use. And we would have known that without coming half way across the country to discuss the field concept in lengthy papers with footnotes. The field concept must help us do something better. And for purposes of this conference at least that something must relate to the process of argument. Toulmin suggests that if we identify fields we can generate criteria for judging arguments. 4/ If so, that would be significant. I am looking for ways in which the field concept might help me teach students how to make legal arguments. If the concept of fields serves that purpose it would be, to me, significant. So, in reality the question we will ask, as I suggested before is "to what extent is the isolation of fields helpful?"

Legal Argument

A legal argument is designed to convince a judge. To suggest what a lawyer should say in a legal argument one should consider what a judge considers in rendering his opinion. 5/ We have three sources for such a discussion. One is the arguments that judges make in the decisions they write. 6/ Another is their comments in other forums. 7/ A third is the writings of legal scholars.

One point deserves special emphasis. Judges rarely decide abstract points of law. Judges make decisions that have practical consequences. In other words all legal arguments are policy arguments as opposed to judgment arguments. 8/ Hence to highlight a potential problem with Professor Toulmin's analysis, it is unlikely that a judge would be asked to decide merely whether Harry is a citizen. Rather Harry may ask a court to prevent his deportation, 9/ to recover his income taxes, 10/ to allow him to sue in federal court, 11/ or to compel the state department to grant him a passport. 12/ In the course of deciding the court might be asked to pass on Harry's citizenship. But that abstract issue of categorization arises in the context of a practical problem. The real issue before a court is not what it shall say but what it shall do. In the normal civil action the court is asked to award damages. The question will not really be is the defendant negligent but does the defendant have to pay the plaintiff money. Arguments are also made to courts to do other kinds of things; for example, admit evidence or dismiss complaints. But these are always in the context of a particular case. 13/

Let us assume the following facts. Credit Bureau made a telephone call to Landlady's residence, asking to speak to one of Landlady's tenants in reference to some debt or account claimed to be owed to Credit Bureau by such tenant. Landlady refused to call the tenant to the phone and asked the calling party not to call her anymore about the matter. Thereupon, the calling party became abusive and, using vile and opprobrious language, told Landlady he would call whenever he wished to do so. Thereafter, for a period of approximately three months, Credit Bureau continued to annoy and harass plaintiff with similar calls, some of which were made in the late hours of night arousing Landlady from her sleep. On each occasion, the calling party abused and threatened Landlady, using vile and opprobrious language unfit for the ears of a lady. These alleged harassments are claimed by Landlady to have caused her loss of sleep, nervousness, and emotional distress, necessitating the services of a doctor. 14/

Landlady sues the Credit Bureau asking for money damages. What might convince the court to do so? I suggest for our purposes that three types of arguments are available. One I'll call a "legal" argument. That argument is essentially that the law in this state is that where the conduct is as described the tort of intentional infliction of emotional distress has been committed. Another argument would be a "policy" argument: Irrespective of what the law is now, it would be sound public policy to find that this type of conduct should give rise to a right in the victim to sue for money damages. The third would be a "factual" argument: Irrespective of the law and irrespective of what effect this decision will have on future generations of debtors and creditors, this plaintiff deserves some money from this defendant. 15/

It is obvious that the judge may come to conflicting anwers in these three areas. She may decide that the law is on the defendant's side but that the facts and policy are on the plaintiff's side. But before discussing how such a conflict would be resolved lets admit that I've distorted each of those three issues. I've expressed them as absolutes. For example, I've asked "What is the law?" It is quite likely the law will not be absolutely clear. The judge will be faced with competing arguments each of which is couched in language of what the law is but each of which is really trying to make the best argument possible that a finding of intentional infliction of emotional distress here would be (or would not be) consistent with prior court rulings and statutes. The lawyer's arguments will be, at least implicitly, one of the following:

"I have made a compelling argument that the result I seek is consistent with the statutes and cases of this jurisdiction." "I have made a reasonable argument that the result I want is consistent with the statutes and cases of this jurisdiction." or "At least it is not absurd and irrational to argue that the result I want is consistent with the cases and statutes of this jurisdiction."

The judge will be evaluating how compelling each legal argument is. The judge will also be determining how compelling each policy and factual argument is. For example, an advocate might make an extremely compelling legal argument and an extemely weak policy argument. The opponent's arguments would probably be the reverse. The difficult question is how the various arguments are weighed against each other. It is here that the judge's values come into play. Each argument is only a statement of what "is", i.e., a particular result is legally consistent or a particular result promotes security in our homes. But the judge must translate the "is" into an "ought." Should we strive for consistency or security? It can be seen that each argument promotes a norm, but the judge must decide how much weight to give each norm in the decision making process.

My model, reduced to absurdity, would have the judge keeping score in the following way:

argument	compellingness of argument	x	value of the norm	=	Points
Plaintiff					
(consistency) Legal	8	x	50	=	400
(efficiency) Policy	5	x	25	=	125
(fairness) Factual	2	x	25	=	50
					575
Defendant					
Legal	7	x	50	=	350
Policy	7	x	25	=	175
Factual	10	x	25	=	250
					775 WINNER

The above is absurd only because the evaluating and weighing can't be as precise as suggested. 16/ But the process still goes on. Judges acknowledge it but throw up their hands when asked how they do it. 17/

However she does it, whether consciously or unconsciously, the judge must determine the strength of each argument and also the weight she wishes to assign to the norm which each argument promotes.

Please note that there is no pretense that the "law" is controlling if by law we mean decided cases. It is only one of many competing arguments. And this is true even if the law is "clear." There may be times when the law might be called absolutely clear. But by that we mean that an extremely compelling argument can be made that a particular result is consistent with the statutes and decided cases of the jurisdiction.

Having examined the decision making process from the court's point of view I'd like to present a layout for a lawyer's argument. I will, to the extent possible, use Toulmin's notation because I think it might be helpful in exploring some problems. 18/

The Claim is that the court should order the defendant to pay the plaintiff. The Data are the "facts" of the case. It is important to recognize a distinction between what is a factual question in common parlance and what is a factual question in legal parlance. That is one reason why I'd prefer to call the "facts" (i.e. what happened) "data". In law the distinction between what is a legal and a factual issue is not always clear. By question of fact courts mean a question that is decided by a jury. For example a jury might decide whether it is reasonable to drive 20 miles per hour down Main Street. I'd agree that the data are that the defendant was on Main Street and that he was driving 20 miles per hour. Determining what the facts are is done primarily in the trial courts and has its own body of rules and procedures. Professor Manicas correctly challenges Toulmin's suggestion that Data require no Backing. 19/ Possibly we can come up with another word for it. But since the goal of Toulmin's analysis is to create a practical layout of argument it is not proper to state that facts are always "given." It is common (even in appellate courts) to question the inferences on which factual conclusions are based. Since it is, any layout of argument must acknowledge it.

The Warrant which the lawyer asks the court to adopt, which allows us to go from the Data to the Claim, might be as follows (if you will recall the case of the Credit Bureau and the Landlady): Where a creditor calls a debtor's landlady and is abusive and causes emotional distress the creditor should pay the landlady for the damage done.

The lawyer then presents a series of Backings for the Warrant. For the purposes I have isolated three. They are

(a) The law is that . . . .
(b) It is sound public policy that . . . .
(c) The plaintiff was treated unfairly.

Each of these backings is, as you may recall, phrased as absolutes but in reality can be anywhere on a range from "compelling" to "not irrational". 19a/

The two prime sources of law are decided cases and statutes. Each can be used on two levels. On one level the language of court and the language of the statute are taken at face value and applied to the situation at hand. On the second level the statute or case is cracked open and examined in minute detail in order to derive a rule from it.

Let's start with cases. Often a court in deciding a case will announce the rule of law which governs that case. Subsequent courts will accept that language and apply it to later cases. Sometimes the language itself will require some interpretation. But in interpreting it the subsequent court does not look back at the facts of the original case. This is done far more often than the literature which explains legal reasoning would lead one to believe. The traditional view of legal reasoning is reasoning by analogy. That is the second level I discussed above. The leading description of it is found in Edward Levi's *An Introduction to Legal Reasoning*. 20/ In reasoning by analogy the facts and results of cases are compared in order to derive a rule consistent with those cases. That rule is then applied to the facts of the case at bar.

We can see an example of the process if we return to the case of the Credit Bureau and the Landlady. The problem is that the conduct complained of amounted to no more than words. We could embark on an extensive discussion of the development of tort law. But maybe its enough to say that the Credit Bureau claims that "Sticks and stones might break her bones but words would never hurt her." The court in that case had to deal with several prior cases. Two of them seemed to lead to the conclusion that the Credit Bureau was not liable. Three could have supported the conclusion that the Credit Bureau was liable. 21/

First, the pro-Credit Bureau cases. In *Rankin v. Railroad*, Rankin complained to agents of the railroad who were trespassing on Rankin's land. One of the agents cursed and threatened Rankin and ordered her to "get away from there." After holding that the complaint did not allege a cause of action for trespass, the court held that the language used by Railroad's agent was not actionable, because curses and threats, while immoral, are not actionable in law. This comment was added concerning the spoken words of the agent: "If the complaint may be treated as one for trespass upon the person, no assault upon the plaintiff is alleged, and mere words, *under the circumstances stated*, would not be civilly actionable." (Emphasis added.)

In Brooker v. Silverthorne, plaintiff, a telephone operator, sued for mental anguish and nervous shock caused by abusive and threatening language addressed to her on a single occasion over the telephone by defendant. Citing Rankin v. Railroad, the Court held that the facts presented were not sufficient to make defendant's words actionable.

Now, the pro-Landlady cases:

In Jones v. Atlantic Railroad, plaintiff went to defendant's depot to pick up a package of freight. The porter, who was writing a postal card to his wife, ignored plaintiff's repeated requests for the package, and when plaintiff reproached him for it, the porter advanced on plaintiff, cursing him and threatening to kick him out of the depot. A verdict for plaintiff was affirmed, the Court stating that plaintiff was where he had a right to be, and that when he was driven away, his legal right was invaded, as a result of which he was entitled to recover some damages to protect and vindicate his right.

In Buchanan v. Western Union, plaintiff's evidence tended to prove the following facts: Plaintiff's husband sent her money via defendant telegraph company. Defendant's messenger went to plaintiff's home to deliver a check for the money. Plaintiff was alone in her home and, while she was signing a receipt for the check, the messenger made an indecent proposal to her, which frightened, humiliated, and upset plaintiff. The Court held that the question had been settled by the Jones case, saying, "The fact that the defendant undertook to transact its business in the home of the plaintiff, instead of in its own office, makes no difference. Certainly none in favor of the defendant. It is more in keeping with the spirit of the law to protect the homes of the people than railway, express, and telegraph offices."

In Matheson v. A.T.&T., it was alleged that an agent of defendant came to plaintiff's home for the purported purpose of investigating a complaint which plaintiff had made concerning the cutting of shrubbery in plaintiff's yard by some of defendant's employees. After being admitted and finding plaintiff alone, except for a child two years old, the agent cursed and abused plaintiff causing her nervous shock and injury to her health. The court found for the plaintiff and in reviewing the cases discussed above stated that, "it appears to us perfectly clear that where there is no invasion of a personal or property right, only abusive language, the rule in the first two cases applies; but when such invasion appears, as in the two last-mentioned cases, the rule declared therein is applied. The facts in the case at bar bring this case within the rule of the Jones and Buchanan cases."

The Court reasoned that from the agent's conduct, a jury might infer that he was a trespasser ab initio, having gained admission to plaintiff's home under a pretense of investigating her complaint for the sinister purpose indicated by his conduct.

I think we can fairly derive at least two rules from the 5 cases summarized which would be applicable to Landlady v. Credit Bureau.

We could conclude that there must be direct personal conduct between the plaintiff and defendant and that such conduct either occurs on the plaintiff's property or has the effect of driving the plaintiff away from a place where the plaintiff has a right to be. In that case the Landlady would loose. Or we could conclude that where there is an invasion of a personal or property right of the plaintiff in a manner other than by the mere use of abusive words, then the conduct is actionable. The Credit Bureau's conduct was more continuous than in the Brooker case and an actual invasion of the home in contrast to the Rankin case. Note our discussion primarily revolves around the facts of the cases not the language of the court. Note also that each rule of law which we derived from the set of cases finds some facts significant and some facts insignificant.

The decision regarding which side wins can to some extent be based on determining which argument about consistency is more compelling. But our views of public policy are also crucial in determining which facts are more significant.

The crucial role played by values in legal reasoning can be illustrated by discussing one concept which is central in many cases: proximate cause. In Landlady v. Credit Bureau it would not be enough to determine that the conduct was "actionable." A court would also need to find that the conduct caused the injury complained of. A common standard for causation is called "but for," i.e. "But for the defendant's conduct the plaintiff's injury would not have occurred." Lets examine two possibilities. The Landlady is a high strung person. Once when the telephone rings (because Credit Bureau is calling) Landlady trips over her cat in running to the phone. Or suppose Landlady has multiple sclerosis and the stress of the phone calls causes a deterioration of her condition. 22/ A court would probably find no causation in the former and causation in the latter. There is of course "but for" causation in both situations. But the courts look for what is styled "proximate cause." And a court might employ any number of attempts (including the concept of forseeability) to distinguish the two situations. But the truth is of course that there is a value judgment being made. And the value judgment results from an analysis of public policy: What kinds of harm do we want to prevent by regulating particular kinds of conduct.

Let us turn now to legal argumentation based on statutes. And while most arguments are based on the first level of analysis, the mere application of statutory language (which can be an incredibly complex task), many arguments arise when the meaning of the statute itself is unclear. 23/

Section 809(a) of the Federal Fair Debt Collection Practices Act provides that:

> Within five days after the initial communication with a consumer in connection with the collection of any debt, a debt collector shall, unless the following information is contained in the initial communication or the consumer has paid the debt, send the consumer a written [validation of debt notice].

The validation of debt notice contains the name of the creditor, the amount of the debt and a statement of some legal rights of the debtor.

Collection Bureau, Inc. sends out a form that contains a message on the front requesting payment of the debt within five days. On the back side of the form is the validation notice required by the above statute. There is no reference on the face of the form to the matter on the back and the print size on the back is smaller than on the front. The issue: Is the validation notice "contained in the initial communication"? 24/ There seems to be a genuine ambiguity in the statute and the court's method of resolution is to search for the "intent" of the legislature. The court seizes on the following language of the Senate Report which accompanied the bill: The purpose of the validation provision is to "eliminate the recurring problem of debt collectors dunning the wrong person or attempting to collect debts which the consumer has already paid." The court concluded that "without some clearly visible reference to the statutorily mandated language on the reverse side of the form, the consumer is not put on notice of his right to challenge the validity of the debt, thereby defeating the intent of the legislation to eliminate dunning of the wrong person or attempts to collect debts which the consumer has already paid." 25/

It does not necessarily follow that what the Senate Banking Committee Report says is what a majority of Congress had in mind in passing the bill. And it does not necessarily follow that that intent also demands the above result. A perfectly good argument could be made that what appears on the back, unless in very light ink, is clearly contained in the letter. It is obvious that the argument is not what Congress intended but that this result is consistent with the words of Congress. It is the court's public policy analysis which clinches this argument.

Let's take up another typical example of statutory interpretation. This time we need a brief outline of 3 ways a debt collector can get property from you without getting a judgment that you owe the money. Assume you put up your car as collateral for a loan and can't make the payments. The bank might seek *replevin* from a court. The court concludes in a very summary type of proceeding that the bank has greater rights to the car than you. But note the court does not decide how much you owe the bank. That could come later in a suit by the bank against you. If the bank decides to sue you it might decide that there is a danger that you will leave town before it gets its judgment. The bank would ask the court for prejudgment *attachment*, for the sheriff to seize some of your property so that there is property to satisfy the judgment if the bank wins. Or the bank might seek prejudgment *garnishment* of your salary in order to have some money set aside to satisfy the judgment if the bank wins.

Now with that law in mind consider the following statute from the state of Maine. 26/

> "Prior to entry of judgment in an action against the consumer for debt arising from a consumer credit transaction, the creditor may not obtain an interest in any property of the debtor by attachment, garnishment or like proceedings."

Suppose the bank, in an action against a consumer for debt arising from a consumer credit transaction uses *replevin*. The issue: is replevin a "like proceeding." The answer, many courts would tell you,lies in the application of the rule of "*Ejusdem Generis*." "When the legislature provides a list of persons or events and following this list includes a catch-all phrase such as [or like proceedings] . . . the legislature intended the general catch-all phrase to include only persons or events which are 'of the same kind' . . . as the persons or events in the list that precedes the catch-all phrase." 27/

Replevin is *like* attachment and garnishment in that it usually comes prior to a judgment on the underlying debt and involves only summary court proceedings.

Replevin is *unlike* attachment and garnishment in that it does involve a potentially final judicial determination of a persons rights in specific property.

The rule of Ejusdem Generis does not resolve the issue, it only raises it. To determine the *meaning* of the words "like proceedings" the court looks to what it considers the "intent" of the legislature.

The court based its conclusion that replevin was not a "like proceeding" by examining the editorial comment accompanying a model statute on which the Main statute was based (but was not identical to). The court looked to other Maine Consumer Statutes and found rules regulating replevin, thereby implicity recognizing replevin in consumer credit transactions. Third, the court noted that a bill which was not passed by the legislature explicitly prohibited replevin. The conclusion being that the legislature obviously intended replevin to be not within the term "like proceedings."

To say that these arguments necessarily lead to the conclusion that the legislature intended that the words "like proceeding" do not mean "replevin" is absurd. The differences between the Model law and the Main law could be pointed to show that Maine wanted to be much more inclusive. The other consumer statutes could be signs of the legislature's dislike of replevin. The failure to pass other laws could be an indication that the legislature thought this one would do the trick. But we can say that the court has made a good argument that its interpretation of the statute is consistent with other Maine statutes, the conduct of the legislature and the models the legislature looked to for guidance. But the court probably also made a policy determination to select the winning legal argument.

The above discussion leads us to the second type of argument, the "policy" argument. These may take many forms and in most briefs and court opinions, are presented in quite truncated form, often more by inuendo than anything else. The reason is the perpetuation of the myth that we only look to cases and statutes. 28/ Therefore, lawyers are hesitant to tell a court in clear unmistakable terms that "This, is just a policy argument."

Policy arguments can take many forms in terms of the policy they promote. For example, there is current in legal literature a fad of demonstrating whether particular legal rules are economically efficient. 29/ Were we the Landlady's lawyer we might argue that a rule which placed on the Credit Bureau the risk of any harm that might be caused by its practices would cost society less than would a rule which placed that risk on the people they contacted. The Credit Bureau might argue that the decrease in collections due to the restrictions on the kinds of activity involved might make consumer loans so much riskier that consumer interest rates might rise. And, the argument might continue, the interest rate rise might collectively exceed the cost of the harm done. Such economic arguments often boil down to the issue of which party is the more efficient risk bearer. Although such economic arguments are currently the vogue in legal scholarship and have always been used (if in somewhat less analytically rigorous form) by courts and lawyers, there are other policies which courts consider. 30/ An attorney might point to the dangers of a rule which creates difficulties in proof, the dangers of increased litigation, the impact of debt collection practices on family and other interpersonal relationships, the disruption to feelings of security in the home, among many possible policy arguments. 31/

The factual argument is one lawyers always make. It can occur in a legal argument, in two ways. At the beginning of each brief is a "Statement of Facts." Although disguised as a straight-forward statement of the facts it is an attempt by selectivity and word choice to put the client's conduct in as favorable a light as possible. It is in fact part of the argument. In fact it could be viewed as an argument which supports a Backing which is never explicitly stated. That might be "The Plaintiff was cheated." Or put another way "In this transaction the Plaintiff did not get what he paid for." Factual arguments are also made in the body of legal arguments themselves, often as asides. 32/ The argument is quite subtle (or attempts to be quite subtle) because of the three types of arguments I have discussed it is the least explicitly favored. But there is no doubt that the argument is made in reality. Lawyers commonly say "If the law is not on your side argue the facts. If the facts are against you argue the law." 33/

The next step in the advocate's argument is to translate the various Backings into the desired Warrant. 34/ To do this we must recall concepts mentioned eariler. Arguments which are Backing will have varying degrees of persuasiveness. Each backing is really an "is" and becomes an "ought" only if we accept a given norm. The legal argument leads only to the conclusion that a court should do something if we accept consistency as a value. The norm of consistency is, therefore, promoted by the legal argument. Policy arguments promote other norms, e.g. economic efficiency. The norms must be identified and each judge will value each norm differently.

The lawyer should understand the weighing process that goes on and rather than hammer away at each point as if it was of absolute strength and promoted the most crucial of all norms, provide the court with help in the weighing process.

Law as a Field

I started this discussion by trying to relate your concerns regarding fields to my concerns with the shibboleth "Think like a Lawyer." I indicated that one of my concerns is the insularity of the legal profession and legal education. Two areas discussed above are relevant to that concern and I'd like to develop them briefly. While the balance of this paper may be thought of as supporting the thesis that everyone thinks like a lawyer the two points which follow support the thesis that lawyers should think like everyone else.

First, I'd like to go back briefly to the discussion of public policy arguments. Those arguments are highly truncated. One or two lines may be included to bolster a legal argument but discussions of policy rarely are presented in a systematic and rigorous way. One reason for this is, of course, the high value placed on the "legal" argument. But it is not true that pure public policy arguments, with no pretense to a "legal" base, cannot and are not made. Possibly one reason that judges and lawyers make such inept public policy arguments is not that they don't want to, but that they don't know how. An acceptance of the fact that lawyers routinely make public policy arguments would mean that we should be teaching students (or at least requiring students to know) how to use sources other than those published by the West Publishing Company and how to marshall facts for a public policy argument. A law student who has not done graduate work in another area probably has no familiarity with research methods outside of law. Such a student is not equipped to conduct such research, to evaluate such research and to use such research in policy arguments although lawyers commonly must do all three. 35/ Moreover, I can't help but think that there are numerous law students who participated in undergraduate debate because they thought it would prepare them for law school and yet who when approaching policy arguments never contemplated 36/ whether what they learned about formulating the "stock issues" 37/ might be helpful in structuring their arguments.

The problems of weighing values is incredibly difficult. As I indicated earlier judges sense they must do it but are unable to describe the process. Here is another area where we might be able to draw on work done elsewhere to guide us. A possible area for inquiry is the field of program evaluation which is making attempts to explore comparing the uncomparable, i.e., if a new airport raises the noise in the neighborhood but creates jobs, should we build the airport? 38/

To return to the concern of law as a field I can see four ways in which legal argument is "field variant" which may be significant - at least from the point of view of teaching. One is the high value placed on the norms of consistency and following the dictates of the legislature. Therefore, arguments based on analogy with prior court decisions and interpretations of the meaning of statutory language are given great prominence. A second, which might be a result of the first, is the truncated form of policy and factual arguments. 39/ Toulmin has suggested that what differentiates fields is the types of arguments which may be used as backing. 40/ This may be another way of referring to the values of the field since to the extent a particular type of argument is granted value it will be used. Third, the failure to deal explicitly with the weighing of arguments and the valuing of norms. Fourth, conventions of argument designed to expedite the process of decision making, for example, evidentiary "rules." 41/

But beyond the aspects of legal argument just discussed, I see no way of saying that the argument skills of lawyers need be qualitatively different from the skills of people in other settings. That is why I question the usefulness of the field concept.

It is hard enough to shoot at a moving target, but here I am shooting at an invisible target. I haven't yet seen the papers that will be presented at this conference so the best I can do is advance and deal with arguments I anticipate and hope I'm not dealing only with straw men.

As I indicated I question the value of doing so in a vacuum. The scope of this presentation does not allow me to survey the methods of argumentation in all areas of human knowledge. But I would like to start somewhere. So I'd like to make a small digression into argumentation into the academic discipline of history.

In the Pulitzer prize winning book The Age of Reform 42/ published in 1955 Professor Richard Hofstadter traced the history of three reform movements in the United States. The first is the Populist movement of the 1890's, and the second is the early 20th century Progressive era. The final chapter is about the New Deal reforms of the 1930's Depression.

The Populist movement, which was more encompassing than the Populist party, was essentially centered in the agricultural states. It was a movement that Hofstadter characterized as having a "hard" and "soft" side. 43/ The hard side was a response to genuine economic hardship. During the 1890's the United States was suffering the effects of a depression, although not as severe as the economic calamity of the 1930's. American farmers were particularly distressed during this last decade of the nineteenth century. The "hard" side reform efforts of the Populists sought to relieve their financial burdens. 44/ Oddly enough, economic reforms were not really adopted until after the turn of the century, and after the Populist party had suffered a major defeat in the 1896 national elections. The realization of agrarian economic reforms coincided with a great improvement in the farmer's market situation during the first two decades of the twentieth century. 45/ Major "hard" features of the Populist subtreasury scheme were enacted into law such as the Federal Farm Loan Act and the Warehouse Act, both of 1916. Hofstadter noted that the Department of Agriculture was thirty times as big in 1920 as it had been in 1890. 46/ He wrote, "[t]he list of specifically agricultural measures is imposing. . . . [T]he climactic achievement of the farm lobby was to establish as a goal of national policy the principle of [agricultural price] parity . . . ." 47/

The "soft" side, on the other hand, was the result of the farmer's discomfort with the perceived gap between myth and reality. 48/ Writings from this decade espoused an agrarian ideal of the "non-commercial, non-pecuniary, self-sufficient yeoman [farmer] dwelling in a rural arcadia of unspoiled virtue," 49/ your basic Thomas Jefferson type. This ideal was contrasted with the rather grim reality that farmers in industrialized America were merely agrarian commercial businessmen with business problems. The soft side generated a new ideology based upon a return to a "Golden Age," a concept of natural harmonies, dualistic social struggles, and a conspiracy theory of history. Hofstadter found the Populists plagued with "anxieties, self-delusions, ignorance, xenophobia, sadistic fantasies, and wild visions of international conspiracy with pictured cabals of Jewish bankers about to take charge of the world." 50/ This ideology and rhetoric produced no substantive program with the possible exception of the silver standard. The Populist movement gave way to a more comprehensive social and political movement known as the Progressive era. Much of the reforming zeal of the Populists was absorbed by the Progressives.

In contrast to the 1890's the Progressive era was a period of relative economic prosperity in which not only farmers flourished but also the industrialists and manufacturers. The Progressive championed a wide variety of economic and social reforms such as anti-trust legislation and civic reform in urban America. But what puzzled Hofstadter was the paradox of such reformist zeal during a period of economic well being. 51/

Hofstadter sought the solution to this perplexing issue in the available biographical data of Progressive leaders. He analyzed case studies of clergymen, lawyers, and teachers. Hofstadter discovered a surprising consistency in their almost exclusively educated, Protestant, middle-class backgrounds. 52/ Progressives were individuals whose social status as leaders of society was being eclipsed by the new and growing prestigious breed of American capitalist. Their once established position in society was being measured against the likes of the Vanderbilts, Carnegies, Morgans, and Rockefellers. 53/

Hofstadter notes the increase in membership in the Ku Klux Klan during the Progressive era. "Civic reform in the Progressive era had a noticeable tinge of natavism." 54/ Hofstadter attributes part of the status anxiety of the Progressives to the massive influx into the cities of strange Eastern and Southern European immigrants. 55/ Progressives sought to introduce "democratic" reforms to urban machine politics (bossism) which primarily arose to respond to more basic needs of the urban classes. 56/

Professor Hofstadter was familiar with "status anxiety motivation," a theory which had received considerable attention in the fields of sociology, psychology, and political science. 57/ Hofstadter was the "first to bring this status theory prominently before the historical profession." 58/ It was his thesis that the reform ideology of the Progressives was a response to their perceived victimization during an upheaval in status that took place in the United States during the late nineteenth century and early twentiety century. 59/ Hofstadter's thesis had a tremendous impact on the historical profession.

Hofstadter's position was different from that of Charles A. Beard who saw the Populist, Progressive, and New Deal reform movements as primarily the result of economic conflict and disparity. 60/

The core of Hofstadter's argument came under heavy attack by historians who saw a danger from borrowing from the other social sciences a controversial theory to explain a major political movement. 61/ They claimed such analysis egregiously narrowed the scope of proper historical inquiry. 62/ Furthermore, Hofstadter's case studies and the conclusions derived encountered a barage of criticism. Representative case studies made by other historians indicated that men with backgrounds consistent with Hofstadter's Progressive model were as likely to become conservative leaders vehemently opposing reform. 63/ Hofstadter's reasoning, they declared, failed to take into account such facts which undermined his basic argument. An alternative was to view "reformers first as reformers and only secondarily as men who were trying to relieve class and status anxieties."

Hofstadter's thesis has been "refined" by other historians seeking to reconcile the conflicting and inconsistent evidence by isolating subtle distinctions in the biographical data of Progressives and conservatives. 64/

Hofstadter devoted an entire section of The Age of Reform to an analysis of Progressive journalism, often referred to as "muckraking." 65/ Newspaper and magazine distribution increased considerably during the Progressive era. Progressive journalism focused on the slum life of the disinherited living under cruel conditions. 66/ Hofstadter suggests that "muckraking" exploited people because the dehumanizing effects of urban life created a psychological need to get in touch again with humanity. 67/ Editors and publishers found that sympathetic human interest stories dealing with the plight of the urban poor sold newspapers. Articles which read as though they were calling for major reforms in cities actually were motivated by business considerations.

Hofstadter supports his interpretation of this class of documentation by looking into the background of the muckrakers. Moreover, after a national journalistic crusade muckraking produced few tangible results and eventually dissipated. He wrote:

> [C]onsider who the muckrakers were, what their intentions were, and what it was they were doing. Their criticisms of American society were, in their utmost reaches, very searching and radical, but they were themselves moderate men who intended to propose no radical remedies. From the beginning, then, they were limited by the disparity between the boldness of their means and the tameness of their ends. They were working at a time of widespread prosperity, and their chief appeal was not to desperate social needs but to mass sentiments of responsibility, indignation, and guilt. Hardly anyone intended that these sentiments should result in action drastic enough to transform American society. In truth, that society was getting along reasonably well, and the muckrakers themselves were quite aware of it. 68/

In the final chapter of The Age of Reform, Hofstadter confronts the economic and social reform movement embodied in F.D.R.'s New Deal during the Great Depression. The reforms of this generation Hofstadter proposes were different than the Progressive era. 69/ Reforms undertaken by Progressives were attempted when the economy was growing and healthy. However, the New Deal was a political response to severe economic deprivation effecting the entire country. 70/

During the peak of the McCarthy era (and one year prior to the publication of *The Age of Reform*), Hofstadter wrote an essay entitled "The Pseudo-Conservative Revolt-1954." 71/ The essay appears in the collection of Hofstadter's writings called *The Paranoid Style in American Politics*. Hofstadter describes the pseudo-conservative of the Joseph McCarthy genre.

> "He believes himself to be living in a world in which he is spied upon, plotted against, [and] betrayed . . . . He is opposed to almost everything that has happened in America in the last twenty years. He hates the very thought of Franklin D. Roosevelt. Indeed, he is likely to be antagonistic to most . . . federal government . . . expenditures." 72/

Hofstadter after making case studies of the pseudo-conservative leadership found that they were predominantly from two middle class blocs, old family Anglo-saxon Protestant, and old family German and Irish Catholic. 73/ Several efforts to reform American society were made by the pseudo-conservative leadership. Constitutional amendments and legislation were introduced repeatedly in the eighty-third Congress to repeal the income tax, limit social welfare expenditures, and to redefine treason to include those who would "weaken" America. 74/ Hofstadter asked, [W]here did all this sentiment come from?" 75/ and answered that, "[P]seudo-conservativism is in good part a product of the rootlessness and heterogenity of American life and, above all, of its peculiar scramble for status and its peculiar search for a secure identity." 76/

An American's sense of social status or relative degree of prestige within a community hierarchy is intimately connected with the sense of a national identity. 77/ When the standard of living is high status aspirations and frustrations are more intensely projected into the political arena. Hofstadter saw two processes working simultaneously, *interest politics* (conflicts between material goals of different groups) and *status politics* (projective rationalizations of status motivations). He noted that during the Progressive era of the 1920's status politics figured prominently also. 78/ Thus, the pseudo-conservative ideology and rhetoric demanding conformity was the result of the status anxiety whose productive reform efforts were proportionately nonexistent when compared to the ill effects of McCarthyist hysteria.

Other historians adopted Hofstadter's approach and applied his thesis to other periods in American history. Hofstadter stated in *The Age of Reform* that "clergymen were the most conspicuous losers from the status revolution." 79/ The clergy succeeded in restoring some of their lost prestige by making themselves a strong reforming force in the Progressive era. 80/ They preached a new "Social Gospel" during a latter day Protestant revival. However, religious revivals were not unique events in American history.

A century before the Progressive era the young American republic was in the midst of a Protestant revival referred to as the "Second Great Awakening." 81/ Could Hofstadter's theory explain the reforming zeal of religious leaders during the early 1800's? Historians like Clifford S. Griffin in an article called "Religious Benevolence as Social Control," written in 1957 answered this question affirmatively. 82/ Just as Hofstadter's stress theory had resulted in a wave of criticism, a similar response was made to historians who depicted religious humanitarians, promoting temperance and aid for the urban poor, as really trying to "preserve their status and trying to regain their early position as the moral arbiters of American society." 83/ The core of this thesis was challenged for its miopic view of history in which men never acted out of alturistic goals, but only "fear and considerations of status gain." 84/ Opposing case studies were collected to authoritatively refute the idea that churchmen of the early 1800's saw their status on the decline. 85/ Literature of the period revealed a distaste for political power by the clergy. Finally, the adversaries argued that the reform spirit was fueled by beliefs in millennialism and Christian republicanism, facts which the stress historians could not dismiss and still leave their arguments in tact. 86/

From the above it is obvious that equally competent historians can relate the same events in radically different ways. This is a convenient place to begin a comparison of legal and historical argument. Both historians and lawyers have a "fundamentalist" or "formalistic" tradition. Much as lawyers use to think (or profess) that the law was a given which the judge must discover rather than make, historians have thought of their job as merely recreating the past, merely assembling in proper order all of the "historical facts." 87/ Both law and history have this tension between the creative and recreative aspects of their craft.

The evaluating of opposing arguments is, in both law and history, done in the context of the values of the decider. In law this leads to concern that judicial decisions will be merely the product of the whim of the judge. In history there is likewise a concern that history could become merely "the subjective product of the mind of the historian who establishes the facts of history and masters them through the process of interpretation. 88/

This dichotomy can be seen in the three aspects of analysis which I discussed in reviewing legal arguments: analogization, causation and interpretation of meaning.

Each of the periods of history that Hofstadter examined was a case from which he had to derive a rule. As the criticisms of Hofstadter's work reveals he was selective (as is the lawyer) in the facts he emphasized. Notice that in the discussion of the Populist era Hofstadter had to divide the movement into two parts, otherwise his analysis would not work. Also notice the brief treatment of the New Deal. It is easy to view this as an afterthough chapter tacked on, not essential to Hofstadter's argument. 89/ But the necessity of this chapter is clear. This is the case Hofstadter must distinguish. In typical lawyerly fashion he does not want to dwell on it - it does not help prove his rule. But he must show that it is not analagous. He illustrates that the New Deal period, unlike the Progressive and Populist periods, was one of clear economic emergency.

Unlike the Progressive and Populist programs, the New Deal was unabashedly one of economic assistance to those in need. Unlike the Progressive and Populist programs the New Deal was based on no ideology other than pragmatism.

We can also see the force of reasoning by analogy in the application of Hofstadter's work to other reform periods in American history. And we have seen how some facts can be emphazised which defeat the analogy.

It is the values and concerns of the historian which lead to the determination of what facts are significant. As in law the historian is striving to determine how compelling an argument can be made to support his view. The fact that Hofstadter was writing *The Age of Reform* at the same time as the essay on the McCarthy period explains why he found "status anxiety" a helpful explanation for past eras. His concern was with the dangerous effects of the McCarthy-type movement. The "rule" that such movements, with no real practical economic motivation are not productive or are dangerous is understandable as the selection of a consistent interpretation of a historical period adopted because it supports a policy the historian finds compelling.

Where historians are concerned more about economic conditions, their history emphasizes the view of people striving to protect and advance their economic self-interest. Some of the historians critical of Hofstadter's analysis have recently suggested, mirroring the concerns of the times, that the reform eras could be better understood as demonstrating how people deal with disruption of cultural values around which they have constructed their lives. 90/

As in law "the search for causalities . . . is impossible without reference to values . . . ." 91/ One can see in Hofstadter's explanation of "status anxiety" as the *cause* of much of the Progressive movement his "urge to understand the past, [which compels him to] simplify the multiplicity of his answers, to subordinate one answer to another, and to introduce some order and unity into the chaos of happenings and the chaos of specific causes. 92/ Hofstadter was not arguing that status anxiety *caused* the reform period but rather that it was a significant cause. It was significant in its ability to "serve as a guide to action." We would find the Credit Bureau's conduct a *proximate* cause of Landlady's damages if we believed that penalizing Credit Bureau's conduct was a sensible way to prevent that harm.

Finally we can see parallels in a court's attempt to determine the meaning of words in statutes and Hofstadter's interpretation of the meaning of the words of the muckrakers. Rather than accept their writings at face value Hofstadter examined the background, purpose and later writings of the authors.

There are other aspects of legal argumentation which may give rise to claims of field dependance. One is the area of evidence or fact determination. 93/ The argument I believe would be that legal institutions impose several constraints on the free use of facts in making arguments. The first of these constraints is the filtering out of irrelevant evidence before it is presented to the finder of fact. Where the finder of fact is the jury that is true. 94/ But as our discussion of historical argument demonstrates there is an analagous argument which takes place as historians debate the relevance of particular types of information.

Another side of the apparent distinction between law and other fields is dependence of appellate courts on the factual findings of lower courts. The historian too is dependent on the work of others. For example, the "picture of mediaeval man as devoutly religous, whether true or not, is indestructible, because nearly all known facts about him were pre-selected for us by people who believed it an wanted others to believe it, and a mass of other facts, in which we might possibly have found evidence to the contrary, has been lost beyond recall. The dead hand of vanished generations of historians, scribes, and chroniclers has determined *beyond the possibility of appeal* the patterns of the past. 95/

Law is viewed as unique because various legal conventions prevent the consideration of relevant evidence. This is, I believe, wrong in its characterization of law and its implicit characterization of other fields. There *are* "rules" which limit the admissability of evidence for reasons of policy and probative value. But historians are also limited by laws and by moral considerations in gathering and using information. Similarly, where unconventional evidence is to be used historians must devote effort to convincing their colleagues of its probative value. It is also important to clarify any misunderstanding there might be regarding "rules" of evidence. They are much more flexible than one might believe. Many states don't even have any codified rules. Evidence is purely a matter of case law development. And most written rules of evidence provide safety valves which allow judges to admit or exclude evidence in contravention of the rules. 96/

Evidence, therefore, is merely another area of legal argumentation and everything that has been said about legal argumentation in general applies to evidentiary arguments.

Procedural issues may also be pointed to as signs that legal argumentation is a "field". 97/ Part of procedure is the issue of jurisdiction. But jurisdictional questions have long since lost any real connection to issues of "power" and are in reality questions of fairness. A lawyer makes jurisdictional arguments and I concede it is unlikely that an historical argument would be attacked because it appeared in the wrong journal. But the jurisdictional arguments themselves are no different than any other legal argument. 98/ Another type of procedural argument involves the methods of pleading. But modern pleading rules are so relaxed that it is unlikely that they significantly impact the nature of legal argument. 99/

I am looking forward to discussing other aspects of argumentation from the perspective of exploring comparisons and contrasts. I also hope to consider other disciplines to test my hopethesis that we lawyers have much to gain by learning how other people think.

FOOTNOTES

1/ See, e.g. K. Eble, The Craft of Teaching 33 (1978)

2/ It is my theory that the expression "think like a lawyer" developed as an excuse for using that insturctional tool and technique after the theory which prompted their adoption was abandoned. When legal realism developed to the point of rejecting the concept of cases as the specimens of legal science, the philosophical underpinnings of legal education slavishly copied from Langdell were removed. See generally M. Speziale, Landell's Concept of Law as a Science, 5 Vt.L.Rev. 1 (1980).

I believe that if our instructional techniques were really designed to prepare students for the work they will have to do classroom dialogue and class materials would be radically different. It is for that reason that I concur in Rieke's statement that, "Had the case method developed as originally planned, it would have brought about extensive analysis of the rhetorical aspects of jurisprudence, along with the study of legal principles." R. Rieke, Rhetorical Theory in American Legal Practice (1964)(Unpublished Ph.D. dissertation Ohio State Univ.)

3/ Both in discussing history and law my examples of arguments will be rather long. One problem I have with the articles and books I have read to prepare for this conference is that all of the examples are quite brief and stylized. And yet all are attempting to discuss "practical" argumentation. Little can really be learned, and a hypothesis cannot be criticized when the examples have no real relationship to the areas being discussed.

4/ S. Toulmin, The Uses of Argument 255 (1958) [hereinafter Toulmin].

5/ This is a restatement of the thesis "that the objective of argumentation is adherence" and that the ultimate test of any arguemnt is whether people accept the claim of the arguer. See R. Rieke & M. Sillars, Argumentation and the Decision Making Process 2 (1975) [hereinafter Argumentation].

6/ I make the assumption that many make: The argument the judge makes (the written opinion) tells us the kinds of arguments she likes.

7/ The leading example being B. Cardozo, *The Nature of the Judicial Process* (1921) [hereinafter *Cardozo*].

8/ See D. Ehninger and W. Brockriede, *Decision by Debate* 167-8 (1978) [hereinafter *Decision*].

9/ *U.S. v. Esperdy*, 315 F.2d 673 (2d Cir. 1963), aff'd 377 U.S. 214 (1964).

10/ *U.S. v. D'Hotell de Benitez*, 558 F.2d 37 (1st Cir. 1976).

11/ *Sadat v. Mertes*, 615 F.2d 1136 (7th Cir. 1980)

12/ *Afnoyim v. Rusk*, 387 U.S. 253 (1967).

13/ I am not trying to imply that Toulmin is not aware of this. See S. Toulmin, R. Rieke & A. Janik, *An Introduction to Reasoning* 215 (1979) [hereinafter *Introduction*].

14/ The facts are based on *Wiggins v. Moskins Credit Clothing Store*, 137 F.Supp. 764 (E.D.S.C. 1956).

15/ I realize the use of the term "factual" may be misleading. It is not an argument concerning what happened, i.e., what were the facts?

16/ In Moot Court we often judge students' arguments using a scoring system which has categories like "responsiveness to questions" and "preparation". We therefore try to assign a score to each "norm" and implicity state that each are of equal value.

17/ "I know he is a wise pharmacist who from a recipe so general can compound a fitting remedy." Cardozo, *supra* note 7, at 162. See also *Id*. at 65, 75, 103-105, 113.

18/ I find persuasive Professor Manicas'questioning of the usefulness of Toulmin's vocabulary and layout from the point of view of its contribution to logic. I am not a logician but I think I understand the argument that there is nothing conceptually different between things which are called data and things which are called warrants. I use the Toulmin layout because it seems appropriate for policy arguments but I sense that I am falling into a trap which makes my argument that there is no difference between argumentation skills in different "fields"more diffcult to make. See P. Manicas, 3 J. Amer. Forensic Assoc. 84 (1966). One legal writing text suggests it has adopted Toulmin's analysis N. Brand & J. White, *Legal Writing* 136 n. 1 (1976).

19/ Id. at 86 n.7.

19a/ You will note that it is here, in the "backing" that I believe the model words belong. If I understand Toulmin correctly he has recognized that arguments are not in reality absolute. Therefore, this is, I believe, consistent with his analysis. It is also my understanding of his analysis that the syllogism is not where the work of reasoning is done but rather in the "backing" and in the machinery which delivers the data. If that is true I don't know why he places the model terms and the conditions of rebuttal there.

20/ E. Levi, An Introduction to Legal Reasoning 1-6, 18-27 (1949) [hereinafter Levi].

21/ The discussion that follows including the cases are adapted from Wiggins v. Moskins Credit Clothing Store, 137 F. Supp. 764 (E.D.S.C. 1956).

22/ See, Dawson v. Associates Financial Services Company, 215 Kan. 814, 529 P.2d 104 (1974).

23/ In the discussion of statutory interpretation that follows I assume that policy questions are essential in resolving statutory ambiguity but it is also true that policy questions can be used to create statutory ambiguity. Given the layout of argument I propose this would be explained by saying the "consistency" argument may be strong but the "policy" argument is stronger or by a broader "consistency" argument: This statute is not consistent with more recent statutes.

24/ This discussion is based on Ost v. Collection Bureau, 493 F.Supp. 701 (D.N.D. 1980)

25/ Id. at 702.

26/ The problem is based on Hartford National Bank & Trust Co. v. Harvey, 420 A.2d 230 (Me. 1980).

27/ W. Statsky, Legislative Analysis 100 (1975).

28/ See Levi, supra note 20, at 1: "The pretense is that the law is a system of known rules applied by a judge; the pretense has long been under attack."

29/ See, e.g., Posner Economic Analysis of Law (2d ed. 1977) Posner, The Economics of Justice (1981).

30/ See R. Epstein, Static Conception of the Common Law, 9 J. Legal Stud. 253, 271 (1980).

31/ One not included in the list but considered in the "real" Landlady v. Credit Bureau case regards following the trend in other jurisdictions. In that case the court discussed changes in the Restatement of Torts. See Wiggins v. Moskins Credit Clothing Store, 137 F.Supp. 764, 765-6 (E.D.S.C. 1956).

32/ Both factual and policy arguments are "configural arguments" (if I understand the term correctly). The legal argument is linear. See, *Decision*, *supra* note 8 at 34.

33/ Compare the factual summaries in Board of Student Advisers, *Introduction to Advocacy* 61-64, 83-85 (3d. ed. 1981). I wonder if it would be helpful to think of the legal arguments as authoritative proof (ethos), the policy arguments as substantive proof (logos), and the factual arguments as motivational proof (pathos).

34/ One reviewer observed (I believe correctly) that Toulmin does not introduce a concept to make explicit the step from backing to warrant. 36 Chi. K. L. Rev. 83,85 (1959). I suggest that the process of weighing the arguments or "values" is the step.

35/ See, e.g., A. Fink & J. Kosecoff, *An Evaluation Primer* 5-71 (1978) for a brief survey of research methods. See also S. Newell, The "Study" as Evidence, Proceedings of the Summer Conference on Argumentation 296 (1980).

36/ And are never urged to

37/ See, e.g., *Decision* *supra* note 8 at 167-170.

38/ See, e.g. Thompson *Benefit-Cost Analysis for Program Evaluation*, 9-21 (1980).

39/ In fact the immense value that is given to sources which are often inconclusive results in a kind of logic which is similar to tea leaf reading - law turns in on itself and the argument appears to me to be incestial in nature.

40/ Toulmin *supra* note 4, at 112.

41/ This says nothing new. Aristotle recognized the need for conventions which while not guaranteeing absolute truth helped us (given the time and resource limits imposed) approximate truth.

42/ R. Hofstadter, *The Age of Reform* (1955) [hereinafter cited as Reform].

43/ *Id.* at 23-59; S. Elkins and E. McKitrick, *The Hofstadter Aegis: A Memorial*, *Richard Hofstadter: A Progress* 316-17 (1974) [hereinafter cited as *Aegis*].

44/ *Reform*, *supra* note 42 at 95.

45/ *Id.* at 118-20.   46/ *Id.*   47/ *Id.*

48/ *Reform*, *supra* note 42, at 23-59.

49/ *Aegis*, *supra* note 43 at 316-17.

50/ *Id.*   51/ *Reform*, *supra* note 42, at 135.

52/ *Id.* at 144.   53/ *Id.* at 138.

54/ *Aegis*, *supra* note 43 at 321.

55/ *Reform*, *supra* note 42, at 173-184

56/ *Id.* at 254-270.

57/ Thelen, *Social Tensions and the Origins of Progressivism*, 56 J.Am.Hist. 323, 326 (1969) [hereinafter cites as Thelen].

58/ Hutchison, *Cultural Strain and Protestant Liberalism*, 76 Am.Hist. Rev. 386 (1971) [hereinafter cited as Hutchison].

59/ *Reform*, *supra* note 42, at 135.

60/ C. Beard, *America in Midpassage*, 946-47 (1939); *Aegis*, *supra* note 43, at 314-315.

61/ *Aegis*, *supra* note 43, at 325; Thelen, *supra* note 57, at 324.

62/ Thelen, *supra* note 57, at 327-28.

63/ *Aegis*, *supra* note 43, at 325; Thelen, *supra* note 57, at 330.

64/ Hutchison, *supra* note 57

65/ *Reform*, *supra* note 42, at 185-196.

66/ *Id.*   67/ *Id.*   68/ *Id.*

69/ *Id.*   70/ *Aegis*, *supra* note 43, at 314.

71/ R. Hostadter, *The Pseudo-Conservative Revolt*, *The Paranoid Style in American Politics* 41 (1965) [hereinafter cited as *Paranoid*].

72/ *Id.* at 45-46.   73/ *Id.* at 54.   74/ *Id.* at 47.

75/ *Id.* at 48.   76/ *Id.* at 51.   77/ *Id.*

78/ *Id.* at 52-53.   79/ *Reform*, *supra* note 42, at 150.

80/ *Id.* at 152.

81/ Banner, *Religious Benevolence as Social Control: A Critique of an Interpretation* (?) J.Am.Hist. 23 (1973) [hereinafter cited as Banner].

82/ See, e.g., Griffin, *Religious Benevolence as Social Control*, 44 Miss. Valley Hist. Rev. 423 (1957).

83/ Banner, *supra* note 82, at 23.

84/ *Id*. at 24.

85/ *Id*. at 26-28.

86/ *Id*. at 33-38.

87/ E. Carr, *What Is History*? 6 (1962) [hereinafter Carr].

88/ *Id*. at 34.

89/ See, e.g., *Aegis supra* note 43, at 323 n.22.

90/ Hutchison, *supra* note 58 at 389-90.

91/ Carr, *supra* note 87 at 141.

92/ *Id*. at 118.

93/ See, e.g., *Introduction supra* note 13, at 219-220; *Argumentation supra* note 5, at 234-239.

94/ In many cases the finder of fact is the judge who decides what evidence she will hear.

95/ Carr, *supra* note 87, at 13 (emphasis supplied).

96/ See, e.g. Fed. R. Evid. 403, 805(b)(5).

97/ See, e.g. *Introduction supra* note 13 at 260-261.

98/ See, e.g. *Argumentation supra* note 5, at 233-234. I question however the attempt to distinguish law from science on the basis that procedural arguments do not occur in science. *Introduction supra* note 13 at 261. There are frequent attacks on methodology which do not dispute the substance of the conclusion.

99/ See, e.g. Fed. R. Civ. P. 15(b).

THE FUNCTIONS OF LEGAL ARGUMENTATION IN PRE-TRIAL ADVOCACY

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The task of developing a set of tools for the criticism of legal argumentation in the jury trial system is a difficult one since the strategies and counter strategies employed by the participants in major criminal and civil trials involve the manipulation of pre-trial rules from the inception of the case as well as the more familiar argumentative devices used during the testimony and/or appellate phases.

It is therefore necessary that the student of legal argumentation be familiar with the differing strategies employed in the several phases of the jury trial process - pretrial motions, opening statements, presentation of witnesses and evidence, closing statements, jury instructions, appeal, etc.--relating to the opposing party's overall conception of the case. One must as well seek to understand the often complex cultural, social or religious context in which the jury trial will be employed by both the government and its antagonists to resolve important societal issues outside of the normal legislative and political channels. To attempt to analyze the parts of a legal trial separately without an overall conception of how the case as a whole was conceived leads to a fragmented and confused understanding of the courtroom process and the results in a given case.

In this paper I shall suggest a critical and rhetorical perspective for the study and analysis of the jury trial emphasizing the role and function of argumentative and rhetorical strategies in the pretrial phase. Throughout the discussion I will attempt to illustrate my points with examples taken from records of criminal trial transcripts and materials currently in print and available to the student and teacher of law and communication.

An initial observation to be made about the jury trial forum is that it is a rhetorical structure composed of separate parts/components specifically designed to channel and regulate certain types of societal confrontations. At one level, the jury trial provides the individual with his/her constitutional right in criminal cases to "a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed."[1] The right to trial by jury in criminal cases has been extended to civil cases through the constitutions of most states and serves as the basis for the function courts serve in providing forums for the resolution of civil conflicts over property rights, personal injuries, contractual duties and obligations, the trial of alleged misdemeanor and felony criminal acts, and determination of criminal responsibility of citizens. Such cases crowd court dockets and have earned Americans the title of the most litigous people presently on the face of the earth.

It is important to note that procedural rules governing all phases of trial litigation are designed to expedite first the routine criminal and then the routine civil cases through the adjudication process. However, these same courts, utilizing the same rules of procedure and codes of evidence, are also occasionally called upon to adjudicate and channel confrontations not only between individuals and the state, but also factions advocating for fundamental changes in the status quo based on social, political, economic and religious positions, ideologies and stances. It is these "major" criminal and civil issue-oriented trials, as opposed to the "routine" civil and criminal trials that are of greatest interest to the student of legal argumentation. While such trials do attempt to channel the acceptance and resolution of pressing societal issues through the trial forum, these trials are the most difficult to analyze according to standard rhetorical conventions because they raise issues that the rules of evidence and procedure were designed to exclude. The major strategies in such cases employed by those who raise societal issues usually involve how to introduce testimony on the larger societal issues into the case and hearing of the jury and into the court record for possible appeal. The strategy of the opposition aims to restrict the scope of justiciable issues to preclude a hearing on the larger societal issues. This fight is usually resolved by the trial judge's rulings in opposing pre-trial motions.

There have been several attempts to label trials that raise issues beyond the matter of guilt or innocence of the individual defendant(s). One approach is to label such trials "moral drama," clashes and confrontations between good and evil.[2] A more functional approach is attempted by the political scientist, Otto Kirchheimer, who labels such trials "political trials." Kirchheimer characterizes the strategy of political trials as follows:

> The aim of political justice is to enlarge the area of political action by enlisting the services of courts in behalf of political goals. It is characterized by the submission to court scrutiny of group and individual action. Those instrumental in such submission seek to strengthen their own position and weaken that of their political foes. In each case resort to the courts may be a matter of necessity, choice or mere convenience.[3]

These labels and others may be useful in identifying trials involving certain types of political or emotional issues, but they do not provide us with an analytical perspective that can be applied to all trials that attempt to raise issues affecting social, economic and religious ideologies.

The perspective employed by some analysts of political trials, however, offers a starting point for descerning various methodologies for use by analysts of the legal trial. Jessica Mitford's account of the 1968 trial of Dr. Benjamin Spock,[4] the famed baby doctor, and four other co-defendants for conspiracy to a aid, abet, and counsel violations of the Selective Service Law offers a useful and functional way of arguing the existence of a "political trial" in line with Kirchheimer's definition.

Ms. Mitford's methodology consists in contrasting chronologically the pre-trial procedural motions and counter motions and strategies employed by both sides. The frame of reference is the way in which an ordinary, non-political, criminal trial would be handled at each stage. Each time a particular strategy varies from the non-political trial model, the existence of a political trial is implied and inferred. Ms. Mitford's stated purpose in writing her account of the trial is to educate and persuade her general reading audience of the existence, criteria and function of the political trial. Her book is a good starting place for the rhetorical critic and student of legal communication because she details the evolution of trial strategies from indictment through all the procedural pre-trial motions and arguments which determined the scope of the issues to be tried before the jury. Her account of the defense's inability to maneuver and use the trial as a forum in which the legality of the war and the draft law could be adjudicated illustrates both the desirability and difficulties encountered by the side, whether the government or the political opposition, which seeks to use the jury trial as a forum to rally popular support for its position on controversial issues.[5]

An important task for the student of legal argumentation is to learn how and under what circumstances important political, social, economic, ethical and religious issues can be channeled into the court system and before federal and state court juries for adjudication instead of being directed into other forums such as state legislatures, congressional hearings, special task forces, church synods, regulatory agencies etc. for resolution.

THE CHOICE OF THE LEGAL FORUM

The first question the analyst must ask is who initiates the resort to the jury trial forum and why one location for the trial is chosen over other available possibilities. The state may instigate the action by charging a violation of criminal law by an individual or group of individuals acting in concern, as was the case in the trial of Dr. Spock. An individual or group can instigate the action by deliberately breaking a law that he/she/they want tested in court such as was the case in many of the civil rights marches in the early 1960's.[6] To insure adequate publicity of the "criminal act" or act of civil disobedience and pressure the authorities to prosecute, the press is usually invited to witness the commission of the act. An interest group seeking to change the status quo may go so far as to seek out an individual to agree to violate the law as was the case in the famous "Monkey-Scopes" trial in 1925. In this case, the direcotr of the American Civil Liberties Union upon learning of the passage of the Tennessee Anti-Evolution Act issued press releases stating that the ACLU would be willing to finance a test case challenging the constitutionality of the law and actively solicited someone to break the law. John Scopes, a local biology teacher in Dayton, Tennessee, was persuaded to subject himself to arrest and to consent to be the defendant in the case. Scopes had anticipated a quiet legal battle argued primarily through briefs and oral argument on points of law. Little did he know that he would become the most celebrated defendant of the quarter century.[7]

It is important to remember that every important jury trial has its own particular context. The analyst must describe the evolution of the issue(s) that the protagonists seek tried before a jury and how resort to the courts will best achieve the end sought. There will usually be a record of consultation with one or more law firms to generate a trial strategy memorandum setting forth the options and approaches that could be used as well as the risks entailed. A similar procedure goes on in the Justice Department before a major federal issue oriented prosecution is commenced. The prosecution must weigh the sufficiency of evidence needed to convict and must try to anticipate positive and negative political consequences that may stir controversy. Ms. Mitford's view of the political intention of the government in the trial Dr. Spock et al. was to deter the larger audience: housewives, parents of draft age sons or servicemen, liberals, and other respectable dissenters who might tend to sympathize with Dr. Spock and his co-defendants. The object of the prosecution was to prevent this larger group from participating in anti-war demonstrations from signing petitions, or from appearing on television to express anti-war sentiments for fear they would be prosecuted like the five defendants.[8] The necessity of researching the context in which the jury trial arises and the related question(s) of motives of the participants and advocates is known to forensic debaters and rhetoricians as the starting point for any analysis.[9]

The analyst or researcher should attempt to contact and interview the prosecuting attorneys and defendants to learn as much of the pre-trial strategy as the participants are willing to divulge. Access to the attorneys' litigation files and notes is protected by the attorney/client privilege, but permission from a defendant can lead the researcher to valuable information that is not a part of the court record. Government pre-trial memoranda and strategy notes can be requested and often obtained through the Freedom of Information Act. In widely publicized trials a careful search of newspaper, magazine and television media files will often reveal statements full of useful comments on trial strategy by the participants.

Another preliminary question concerns the situs of the trial. How was the determination made to try the case in a particular city or judicial district? In a criminal case, the prosecution determines the situs of the trial by securing an indictment in the jurisdiction where the alleged crime was committed. The choice of situs may concern both the prosecution and defense as a matter of strategic importance for a number of different reasons. The racial, political, and socio-economic make-up of jury panels varies considerably from county to county in each state and from federal district to district. Depending upon the number of defendants indicted at the same time and the prosecutorial theory employed, the prosecution may have several possible court locations from which to choose. The use of the conspiracy doctrine in the Spock case allowed the government prosecutors to choose Boston as the trial situs in the belief that Bostonians would provide a politically conservative panel from which to choose jurors.[10] The charge of conspiracy allows the prosecution to indict all of the alleged co-conspirators where any one of the co-defendants allegedly committed an overt act in furtherance of the plan or design.

Counter defense strategies in pre-trial motions normally involve attempts to remove undesirable trial jduges in a particular county or federal district from hearing the case and attempts to move the situs of the trial to other jurisdictions in order to obtain different jury panels and judges. Often the motion to transfer is a strategy to avoid adverse publicity or sensationalism where the alleged criminal acts were committed. After months of pre-trial petitions and motions, the defense in the trial of Angela Davis succeeded in both transferring the situs of the trial from Marin County, California where Ms. Davis was alleged to have plotted a prisoner escape that resulted in the shot-gun playing of a superior court judge to the nearby county of Santa Clara, where jury panels contained a much higher percentage of minority jurors. The defense successfully disqualified all Marin County judges from hearing the case as well.[11]

DETERMINING THE TRIABLE ISSUES

The next phase of the pre-trial strategy in the case usually involves delineating the issues that can be tried in the case. Normally in a criminal prosecution, the government seeks to limit the scope of justiciable issues to whether the defendant(s) committed the act as charged in the indictment and through pre-trial motions and briefs to restrict the scope of testimony, proof and evidence the defense can discover in the case and consequently the scope of evidence and testimony that the jury will be allowed to hear. The defense in political-oriented trials will seek to broaden the scope of allowable testimony to allow for the introduction of testimony by defense witnesses usually hired by the defense in order to secure a favorable interpretation of the defendants' actions, motives or goals in changing the status quo.

In the trial of Inez Garcia, Ms. Garcia was accused of first degree murder in Soledad, California for shooting and killing one of two men she alleged had raped her some 20 to 40 minutes before. The prosecution sought to exclude all expert testimony on the effects of rape on women victims, and the trial judge concurred in most instances in his pre-trial rulings. The following interruptions occurred during the defense's opening statement when Charles Garry, Ms. Garcia's defense lawyer sought to apprise the jury that he would introduce evidence of negligence by police in their treatment of women rape victims:

> MR. GARRY: . . . The evidence will show that nothing was done to pay any atttention to the fact this lady was raped. The evidence will further show and we will put on evidence that the attitude of the police and law enforcement agencies toward women who get raped is such as ignoring it . . . that it became so alarming over women who get raped--
> JUDGE LAWSON: Counsel, I cannot permit this. We are trying a woman for murder. There is no man on trial for rape and the attitude of the police for rape or murder as far as I am concerned has nothing to do with the guilt or innocence of this woman.
> DEFENDANT GARCIA: But, Your Honor, that is the reason I killed the man.
> JUDGE LAWSON: We are not trying a cause, we are trying a woman, Mrs. Garcia . . . and I am not going to make this courtroom a forum for a cause. We are trying simply a criminal case and nothing else, and please be guided thereby.[12]

Matters concerning the scope of pre-trial discovery of evidence and the scope of allowable argument by trial attorneys are considered matters of law to be determined solely by the trial judge. When there is a dispute between prosecution and defense attorneys as to whether a proposed witness should be allowed to testify as to matters that either side alleges are outside the scope of the triable issues or would be highly prejudicial, the judge then requires an offer of proof. The jury is sent out of the courtroom, and the contested witness gives his/her/testimony, and the judge rules as a matter of law whether it may be repeated in the presence of the jury. An example of this process was provided when the defense in the trial of Patricia Hearst sought to introduce testimony by Dr. Margaret Singer, a psychologist and expert speech analyst, who had studied Ms. Hearst's speech patterns and sought to testify that Ms. Hearst did not author the

Tania tapes, but merely mouthed the words of others.[13] After an offer of proof, Dr. Singer was not allowed to testify by Judge Carter on the grounds that Dr. Singer's area of expertise was not one recognized by the courts. The Judge's ruling was one of several appealed to the U.S. Supreme Court. Had the appellate court reversed the trial judge's ruling on this point, Ms. Hearst would have been entitled to a new trial.

THE AUDIENCE

The analyst of the jury trial process knows as does the public speaker that there are a number of different audiences that the protagonists, advocates and their supporters can appeal to separately or simultaneously at each stage of the trial process. In the pretrial phase the audience for the extensive and sometimes complicated legal motions, such as the constitutionality of the method of selection of the jury panel and other questions that are made in the form of motions supported by written legal briefs and argued before the trial judge are made primarily for the benefit of the appellate courts and the press and occur before the jury is selected. When questions of procedure are raised by motions during the course of the trial with a jury sitting, the jury is sent out of the court to a nearby jury lounge until the judge rules. Motions that raise questions of law, evidence and procedure are for the sole determination of the judge in our jury system. Often a defense strategy in both the pre-trial and trial stage phase of the case is to push or entrap the judge into making an error in law in ruling on motions or revealing a prejudice or bias in his/her conduct that can serve as grounds for appeal and reversal of an adverse trial verdict. In those cases where the defense sees little possibility of an acquittal, the main strategy of the case may center around creating a substantial record in the trial transcript for appeal to an appellate court. Such was the dilemma faced by Clarence Darrow in the famous Monkey-Scopes trial.

It was apparent to Darrow from the start that with a jury panel composed almost exclusively of fundamentalist church members and itinerant preachers a verdict of acquittal was not possible. With the primary audience biased against the defense, the initial strategy shifted to the secondary audience, the appellate courts with the introduction of motions supported by legal briefs of every conceivable constitutional argument that might provide the appellate courts with a basis for striking down the Tennessee Anti-Evolution Teaching law at a later date. The trial testimony and confrontations between Darrow and Bryan were aimed at converting the public at large "for or against religion" through press releases and the live broadcast of the trial each day to over 10 million radio listeners.[14]

Another function of the pre-trial motions, in addition to winning favorable procedural and discovery rulings is to test how far the judge can be pushed to get a sense of the judge's "fairness," his/her attitude towards the parties, and to gauge the scope and limit of argumentative legal rhetoric to be allowed the advocates at trial. In the Trial of the Chicago Eight, the anti-establishment defendants and their attorneys purposely goaded Judge Hoffman into responding angrily and emotionally to the defendants' unorthodox antics and demeanor in court in order to create a record for mistrial and reversal on appeal. A major defense strategy was to use the trial as a forum to publicize through media coverage of the trial the defendants' political views and lifestyles to the young, and at the same time to preclude the court's traditional function as an arena for the mediation of direct confrontation between the defendants' various ideologies and the government's position.[15] The daily court proceedings were punctuated by the defendants and their supporters giving clenched fist salutes and hailing each other in court with shouts of "right on" and "oink, oink"; the defense attorneys contributed to the carnival atmosphere by referring to their clients in court by their first names and at one point reading a note to the judge signed "Lee Weiner, Boy Defendant."[16] Such conduct was guaranteed to goad the judge's anger, and Judge Hoffman responded with the longest contempt of court sentences ever given to attorneys and their clients.

Another audience strategy is to form one or more legal defense committees to raise money for the trial costs and to finance media coverage and build a support group capable of expanding a particular prosecution into a symbolic confrontation of ideologies or issues for social, legal or political change. In the case of Inez Garcia, what was perceived as a routine homicide case by the judge and prosecuting attorney was transformed into a national forum by an energetic and resourceful defense committee composed of members of various women's groups. With national news coverage, the case became a symbol of the rape victim who fought back. Through the efforts of the support groups the trial became a focal point for raising fundamental emotional and legal issues about rape.[17]

Another method for molding pre-trial and trial audience attitudes and ensuring favorable media coverage on the larger issues involved the defense's employing a press secretary to prepare daily news releases and weekly trial bulletins summarizing the defense perspective of the case. In the Trial of Daniel Ellsberg, who was indicted for allegedly stealing the top-secret, classified Pentagon Papers which detailed the unsavoury history of U.S. involvement in the war in Vietnam and giving it to the New York Times for publication, weekly trial summaries were prepared by a special public relations member of the defense staff and released to all branches of the media to insure desired media coverage of the defense's view of the issues. This public relations activity sought to educate the public to the defendants' views of their innocence and sought to expand the scope of the trial beyond the charges of theft of information, espionage and conspiracy listed in the indictment. In addition to the written press releases and weekly trial summaries Danial Ellsberg and co-defendant Anthony Russo met with reporters after every day's court session and often at the noon recess as well to keep media coverage of the issues constantly before the public.[18] The trial and the issues raised by it were to hasten our eventual withdrawal from South Vietnam and to blow open the Watergate Conspiracy.

Another technique for bringing the trial to a larger audience to stimulate public interest, and to raise money for the legal defense is for the defendant to give speeches before fund raising and interest group audiences and to publish books about the defendant's idelogical reasons for committing acts the government has chosen to characterize as criminal. Both Angela Davis and Daniel Ellsberg wrote such books in the interim period between arrest and actual trial,[19] and each made several public speaking appearances a week before such varied audiences as college campuses, radio and TV talk shows, special interest groups, etc.[20]

CONCLUSION

As we have seen, the jury trial offers the proponents of an issue-oriented prosecution and defense a flexible, but complex rhetorical structure that can be expertly manipulated to promote the ordinary criminal trial into an issue-oriented, extra-ordinary trial. The jury trial has a number of different audiences--the judge, appellate courts, potential jury, media, special interest groups, and general public to which specific pre-trial strategies must appeal for essentially different reasons. An understanding of the argumentative strategies of the prosecution and defense cases during the pre-trial phase is necessary in order to comprehend the overall trial strategy and to measure the effectiveness of each side's use of the jury trial as a forum for the resolution of the guilt or innocence of individuals on trial as charged and of the societal issues that underlie or can be symbolically associated with the case.

FOOTNOTES

[1] Article VI, Constitution of the United States.

[2] See Kurt W. Ritter, "Moral Drama and Forensic Discourse: An Analysis of the Rosenberg Spy Trial," and Dale Hemple, "Motives in Law: The View of the Legal Realists," both papers presented at the Speech Communication Associated Convention, Washington, D.C., December 3, 1977.

[3] Otto Kirchheimer, *Political Justice* (New Jersey: Princeton University Press, 1961), p. 419.

[4] Jessica Mitford, *The Trial of Dr. Spock* (New York: Alfred Knopf, 1969).

[5] See Kenneth Salter's Book Review, "Jessica Mitford: The Trial of Dr. Spock," *California Law Review*, Vol. 58, No. 3, May 1970, pp. 781-785 for an analysis of Ms. Mitford's arguments as to the use of criminal conspiracy charges as a political trial strategy to link and discredit opposition groups.

[6] See Martin Luther King's "Letter from Birmingham Jail" in *Rhetoric of the Civil Rights Movement*, Bosmajian and Bosmajian (eds.), (New York: Random House, 1969).

[7] See Irving Stone's biography, *Clarence Darrow for the Defense*, (New York: Doubleday and Company, 1941). There is also an excellent edited transcript of the trial designed for classroom use by Grebstein, *Monkey Trial*, (Boston: Houghton-Mifflin Research Series, 1960).

[8] Mitford, p.58.

[9] See Winder and Hastings, Chapter Two, Three, and Four Four, *Argumentation and Advocacy*, (New York: Random House, 1965), and Kenneth Burker, *A Grammar of Motives*, (New Jersey: Prentice-Hall, 1945).

[10] Mitford, pp. 62-68.

[11] See Bettina Aptheker's introduction to the *Angela Davis Case Collection*, Ann Ginger (ed), (Berkeley, CA: Meiklejohn Civil Liberties Institute, 1974), xxiii. For Ms. Aptheker's personal account of the pre-trial struggle and the trial itself, see Aptheker, *The Morning Breaks: The Trial of Anegla Davis*, (New York: International Publishers, 1975).

[12] Kenneth Salter, *The Trial of Inez Garcia*, (Berkeley, CA: Editorial Justa Publications, 1976), p. 9. Mr. Salter's book

contains an edited version of the entire trial transcript as designed for use in college argumentation and legal communication classes.

[13] Nancy Gossage McDermid, "Closing Arguments in the Patricia Hearst Trial: March 18-19, 1976," in Exetasis, Vol. 2, No. 4, March, 1976, p. 12. There is also an article by John H. Timmis III entitled "Thought Control in the Patricia Hearst Trial" which appears in the same issue.

[14] See Grebstein's casebook for a selection of editorial opinions and reactions to the trial in the popular press.

[15] See Salter, Book Review cited in note 5 above at page 792. For a highly slanted selection of excerpted selections of the transcript of this trial see The Tales of Hoffman, Levine, McNamee and Greenberg (eds.), (New York: Bantum Books, 1970). Jason Epstein has also written two articles which contain excerpted portions of the transcript of this trial worthy of note both of which were published in the The New York Review of Books: "The Chicago Conspiracy Trial: Allen Ginsberg on the Stand, Feb. 12, 1970, p. 25, and "The Trial of Bobby Seale," December 4, 1969, p. 50. Many of the individual defendants also wrote books about their participation in the trial and their disruptive strategies.

[16] Tales of Hoffman, pp. 55, 95.

[17] Salter, Trial of Inez Garcia p. iii. See also Ms. Magazine, May 1975, for several articles interpreting the meaning of the trial for the women's movement.

[18] Kenneth Salter, The Pentagon Papers Trial, (Berkeley, CA: Editorial Justa Publications, 1975). Mr. Salter's book contains an edited version of the trial transcript designed for use in college courses in legal communication and argumentation.

[19] See Daniel Ellsberg, Papers on the War, (New York: Simon and Schuster, 1972), and Angela Davis, If They Come in the Morning, (New York: New American Library, 1972).

[20] Aptheker, pp. 63-64.

THE GENESIS OF ARGUMENTATIVE FORMS AND FIELDS

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Arguments are historical and symbolic creations evolving from the human capacity to reason. They take an identifiable form and involve a process of adapting reasons to persons in particular fields or jurisdictions. Even though most scholars who study argumentation theory accept assumptions about the change of all things, few consider how arguments themselves evolve through time. In most cases argument is viewed as method,[1] reasoning process,[2] audience-orientation,[3] genre,[4] and strategy.[5] Several recent approaches to argumentation theory embody assumptions of growth and change. Burleson explains the cognitive-development of arguers;[6] Kneupper and Willard show that argumentative processes evolve socially and situationally;[7] and Toulmin explains that ideas and concepts change.[8] These perspectives point to an additional conclusion; that is, both argumentative processes and products change through time.

Any process of idea development embodies changes of history. Ideas are transmitted as part of an "unending conversation" on issues which take place in scenarios like this one described by Kenneth Burke:

> When you arrive, others have long preceded you, and they are engaged in a heated discussion, a discussion too heated for them to pause and tell you exactly what it is about. In fact, the discussion had already begun long before any of them got there, so that no one present is qualified to retrace for you all the steps that had gone before. You listen for a while, until you decide that you have caught the tenor of the argument; then you put in your oar. Someone answers; you answer him; another comes to your defense; another aligns himself against you, to either the embarrassment or gratification of your opponent, depending upon the quality of your ally's assistance. However, the discussion is interminable.[9]

Most significant arguments fit with this description of the unending conversation. Arguments about many social, scientific, political, and religious issues precede the individual arguer; the steps of the reasoning process are recorded in history; and the arguer engages in the dispute at a point in history. In this sense arguments are evolving symbolic processes and products with a past, present, and future.

Although a theorist may isolate an argument, series of arguments, a genre, or a specific discourse, arguments often continue as part of unending conversations about common themes and issues.

This essay provides a framework for the study of the evolution of arguments; it assumes that reason-giving is a historical creation. It develops the concept of genesis by (1) defining form; (2) describing field; and (3) analyzing the processes of history, engagement, diversification, and integration as they affect argumentation. The framework is illustrated by using Martin Luther King's arguments about nonviolence from 1954-1968.

Genesis of Arguments

Argumentation is the process occurring when symbol-users offer reasons to influence others in situations of controversy; it is a process which provides discursive responses to problems and solutions, involves making and justifying claims, and seeks assent from the audiences to whom the arguments are addressed.[10] Brockriede defines argumentation as a process in which persons "reason from one set of problematic choices to another" by making inferences, offering rationales, regulating uncertainty, risking confrontation, and sharing a frame of reference.[11] Brockriede's explanation is associated with the label "argument" and construed as "arguing" or "the process of having an argument."[12] His conception of argument concentrates on the development and response of arguers in a controversy, but it does not deal with the larger historical process of adaptation and change. In contrast to Brockriede's conception of process, this essay conceives of a macroscopic process involving the history, engagement, diversification, and integration of reasoning through time.

A process-view focusing on arguing is contrasted with "argument" which O'Keefe explains as a "communicative act" of "making an argument" which is associated with evidence, claims, and justifications.[13] Both definitions of argument as process and product share common assumptions; they view argumentation as phenomena that can be defined and isolated, that have a beginning and a termination, and that are affected by the perceptions of the arguers. Both approaches hint at the potential for growth and change in the production of argumentative processes.

Why should the evolution of arguments be studied? Several reasons justify this type of approach. First, significant arguments in a society arise from common continuing human values and experiences. Arguments for free expression, civil rights, economic equality, political autonomy are not unique to our time but instead have appeared throughout history in many forms and fields. Second, arguers respond to similar controversies with reasons and justifications shared by their predecessors. Common patterns of reasoning are present in the argumentation of Galileo, Descartes, and Pascal in controversies about the conflict of church and science.[14] Third, a thematic cluster of arguments may be used in diverse circumstances while the arguer presenting those claims remains the same through a long period of time. Kierkegaard, for example, developed his positions on ethical behavior in many books, letters, speeches, and dialogues which were addressed to the church, government, press, and other philosophers of his time.[15] An evolutionary perspective gives theorists a macroscopic view of argumentation as historical process.

"Genesis" literally means creation, generation, and coming into existence.[16] In its use as the title of the first book of the Old Testament, Genesis refers to the creation of the world and the history of Jewish people.[17] These two senses of the word--creation and history --also extend to the study of argumentation, since reasons are generated and come into being as part of an unending conversation, and since arguments have a common historical heritage in the milieus in which they appear.[18] This framework, genesis of arguments, does not replace other conceptions of argument and arguing. Rather, it builds upon these ideas to establish a macroscopic view of argumentation. This evolutionary process includes (1) history, (2) engagement, (3) diversification, and (4) integration.

This diagram represents the evolutionary processes and the changes that occur in the forms and fields of argument.

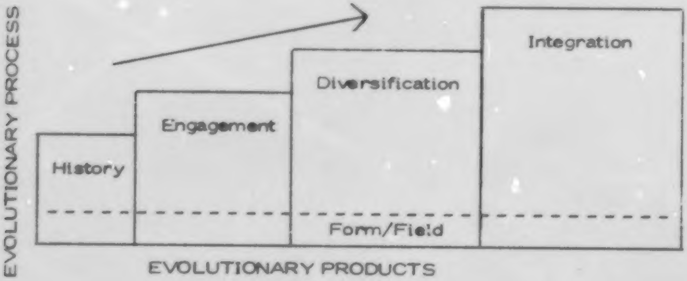

Figure 1

Genesis of Arguments

Each process in the genesis of the argument is accompanied by changes in products. As an example, Martin Luther King presented arguments about nonviolent resistance throughout his life. Although his fundamental idea about nonviolence remained constant, the arguments developing that idea changed. Early in his life he developed nonviolence for his religious congregation as part of a sermon on a Scriptural text. As his personal history and the history of the issue evolved, King diversified the argument to include new reasons developed in new ways such as his letter from Birmingham jail, television interviews, and letters to congressmen. Thus, the argument was refined and diversified for religious, legal, and legislative fields. When King wrote his public letter from jail, he chose a new form and enlarged the field so that it included all Americans with a social conscience rather than his black followers. In each case of diversification, arguers adapt their ideas to the assumptions, modes of proof, bodies of data, and standards of justification that are known and accepted by the jurisdictions in which the arguments are presented. A more complete analysis of the diagram follows.

Argumentative Forms

Most definitions of form refer to the connective structure and substance of the symbolic work.[19] Burke views form as "an equational structure" that includes the pattern, function, and content of the discourse.[20] He explains four types of form—conventional, repetitive, minor, and progressive.[21] Although all of these forms could be found in argumentation, the conventional and progressive are most common. Conventional forms are those associated with the expected patterns of thinking such as problem-solution, cause-effect, and analogy.[22] Progressive form is of two types—syllogistic and qualitative. Syllogistic progression follows a step-by-step process such as a prescribed sequence or a chain of reasons in a deductive pattern where the starting points make the whole obvious.[23] This form is common to highly structured debates, legal arguments, and policy advocacy. Qualitatative progression is less obvious and more inductive. In this form the whole emerges from parts, and the causal pattern is construed retrospectively from the whole. This form is often found in the aesthetic arguments of letters, music, novels, dramas, and infrequently found in speeches.

Form involves the making of argumentative products because it is the act of "the discursive development of the idea."[24] Developing a form involves the determination of its overall structure, the statement of claims, the choice of evidence and processes of justification, the use of stylistic devices, and the determination of the causal pattern of the discourse. Form also involves the process of arguing--having arguments--because it satisfies the expectations between arguers by answering questions, completing thoughts, and responding to problems of the arguers.[25] Form is crucial to the genesis of arguments because it represents the arguer's desire to complete and perfect the idea within a discourse. Repeated attempts to perfect the idea in successive discourse result from the "dialectic of the wrangle," that is, the arguer's desire to seek an evermore perfected refinement of the idea in the unending conversation of history.[26]

Argumentative Fields or Jurisdictions

The term "field" is associated with the theories of Toulmin. He originally conceived of field as a logical type recognized by the same kind of data and conclusion.[27] In Human Understanding, he expanded the concept of field to jurisdictions of rationality which are territories of reasoning determined by how persons share presuppositions, modes of proof, bodies of data, and standards of justification. In the broad sense, jurisdictions are rational enterprises that share principles of reasoning, and in the narrower sense, they are disciplines sharing collective goals and specifying criteria for the selection and evaluation reasons.[28]

Jurisdictions define their territory by the common problems they face and the reasoned responses they use to solve these problems.[29] In this sense, science, law, religion, art and politics represent separate jurisdictions or fields. Since religion faces problems of faith and values and responds to those problems through liturgy and sacrament, it has a different juridsiction than law which faces problems of crime and justice and responds to those problems with legal proceedings and punishment. Toulmin believes that the problems of a field are its source of continuity or invariance and that responses to the problem are variant or changing.

Field often limits the form that arguers can use effectively. For example, it might be "unreasonable" to use irony and paradox in a scientific jurisdiction but perfectly reasonable to use it in art. However, any one form or combination of forms could be adopted for most jurisdictions.

Evolutionary Processes of Argument

The evolution of an argument takes place through history, engagement, diversification, and integration. The history of the arguers and the ideas provide the potential for controversy. The engagement represents the actualization of this potential in the participation of arguers in the controversy. The diversification focuses on the changes in forms and fields of the argument which are affected by the history and engagement. Finally, integration demands that arguers achieve consistency through time and the changes in the products of the argument.

History is the starting point in the process of genesis. The evolution of arguments resembles that of concepts in general; both concern the history of arguers and of the ideas they present. Toulmin studies the evolution of ideas, acknowledging that they change according to "the skills and abilities through which an individual displays his personal grasp of concepts" and through the history and significance of the themes.[30] Arguers, like other users of concepts, include their own personal history and that of the reasons they use.

As an illustration, both personal and ideational history affected Martin Luther King, Jr.'s development of arguments supporting nonviolence. As a student, King studied the theories of nonviolence of Henry David Thoreau,[31] Reinhold Niebuhr,[32] and Mahatma Ghandi.[33] He modified these concepts with the Social Gospel of Walter Rauschenbusch and the liberal theology of Harold De Wolf.[34] The assumptions of his arguments about nonviolence combined theology with practical tactics.

Since King was a minister, his arguments often appeared in prayers, sermons, and songs. The argument of nonviolence was not original to King; James Farmer and Bayard Rustin introduced it as far back as 1941 as the philosophy of their organization, Fellowship of Reconciliation. They also preached and practiced nonviolence from 1943–1955 as the central position of CORE, Congress on Racial Equality.[35] Thus, nonviolence was associated with racial protest, and King used this history in developing his argumentation by his continued involvement in the controversy, using nonviolence in response to segregation, and by adopting the assumptions and evidence of the past for his own reasoning.

Engagement is the point at which arguers enter the controversy and become identified publicly with the dispute. Exigent personal, historical, and legal issues pertinent to the dispute determine the point at which arguers engage in the controversy. At the time of engagement, arguers identify their goals and purposes, construe issues and plan strategy, and adopt forms that accommodate the norms and expectations of the fields where controversies occur.[36] In this phase, arguers establish their relationship to particular themes and issues; they also determine whether the dispute will continue or terminate. Engagement is associated with the specific times that arguers enter into public controversy. However, some arguers might re-engage in a dispute after it has ended if the issues re-emerge in a dispute after it has ended if the issues re-emerge as salient to them or to a particular field.

King entered the controversy of segregation by advocating nonviolent resistence in defense of Rosa Parks who was arrested in Montgomery for refusing to sit in the back of a city bus in 1954. He organized a boycott of the bus company to support her legal cause, and he became head of the Southern Christian Leadership Conference which initiated and planned subsequent nonviolent protests. King's goal was to change the segregation laws of the south; the issue was unfair treatment of blacks under the law; and his method was to preach and practice nonviolence. The primary jurisdiction for his arguments was southern black Christians who believed that love could transform the evil in their society. This field shared and accepted religious assumptions, and proofs of scripture, personal experiences of oppression, and the reasons of the esteemed and credible clergy who led them.[37]

King delivered his initial arguments about nonviolence in Montgomery in the Holt Street Church as a preview for the boycott supporting Rosa Parks. In this sermon, he described the abuses of Mrs. Parks, ennumerated the injustices of the bus company, and concluded that "we have no alternative but to protest. For many years, we have shown amazing patience . . . But we come here tonight to be saved from that patience that makes us patient with anything less than freedom and justice."[38] King argued in a conventional form by positing the causes of the injustice in state laws and detailing the effects in personal unfairness to blacks. He embellished this argument with a repetitive form using synonyms referring to blacks like "oppression," "suffering," and "injustice" to which his audience responded "Amen." This initial engagement was followed by many similar ones where King argued in this form to fields for the same population in cities throughout the South between 1954-64.

Diversification follows engagement. This stage explains how arguers alter their argumentation in continuing controversies.[39] Arguers diversify their reasons according to three principles: (1) by amplifying and elaborating assumptions, evidence, and justifications of their arguments; (2) by altering fields and functions; and (3) by including minor forms--satire, irony, metaphor, exaggeration--to increase the strength of their arguments. The degree of diversification depends on the skills of arguers to adopt new modes of reasoning. In most controversies about significant social, political, and scientific themes, arguers alter forms and jurisdictions but maintain central themes.

King diversified his arguments substantially during his public life. Although slight modifications occurred with each discourse, significant changes took place in 1958 in his book Stride Toward Freedom, in 1963 in the "Letter From Birmingham Jail" and in the "I Have a Dream Speech," and in 1966 in his Triumph of Conscience. As King changed forms and fields, his arguments developed from nonviolence justified by Scripture to civil disobedience justified by political threats and demands. A brief illustration of these diversifications follow.

In Stride Toward Freedom, King chronicled the assumptions of the Montgomery boycott, which he believed to be rooted in the spiritual strength of the black people which was a means of "disarming the opponent, exposing his moral weaknesses, and undermining his morale, and, at the same time, affecting his conscience."[40] Additionally, he stressed: "It is a love in which the individual seeks not his own good, but the good of his neighbor."[41] This book provided a comprehensive rationale for actions previous to 1968 involving a merger of the assumptions of Ghandi, the evidence of black experience, and justifications from the Sermon on the Mount and the Beatitudes. The arguments took the syllogistic-progressive form of a chain of reasons: nonviolence involves courage; it seeks to win the friendship and understanding of opponents; it is directed toward the forces of evil not persons; it demands suffering not retaliation; and it avoids internal hatred.[42] The book expanded from a southern religious jurisdiction where the boycotts occurred to a national philosophical-political field.

In 1963, "The Letter from Birmingham Jail" rejected the attacks of clergy from Alabama who spurned King's method and results. His letter apologized and defended his words and actions about nonviolence.[43] He defined nonviolence as a direct action that seeks "to create such a crisis and foster such a tension that a community which has constantly refused to negotiate is forced to confront the issue. It seeks so to dramatize the issue that it can no longer be refused."[44] He justified the disruption and death that nonviolent protests brought to communities by saying that it was human sacrifice that would relieve the injustices of the South. Because his jurisdiction included educated Southern clergy, he used theological and philosophical evidence from Socrates, Niebuhr, Aquinas, and Buber to support his conclusions about the moral superiority of nonviolence and political evidence from American laws to reinforce the reasoning. Even though the letter directly addressed the clergy of Alabama, it was intended for Christians and Jews throughout the United States and appeared in national and religious news media. This letter targeted the theological and liberal political jurisdiction. It used a qualitative progressive form: it began with self defense, shifted to a chronicle of black history in America, and concluded with theological statements about the response of love to evil. The letter used irony to show his attackers that blacks could rise above "their environment" like Jesus Christ who "was an extremist for love, truth, and goodness" just like his nonviolent protesters.[45]

1963 was also the year of the March on Washington and the "I Have A Dream" speech. In this speech, King defended nonviolence as superior to the position of black militants. He urged: "Let us not seek to satisfy our thirst for freedom by drinking from the cup of bitterness and hatred. We must forever conduct our struggle on the high plane of dignity and discipline. We must not allow our creative protest to degenerate into physical violence."[46] His speech developed the concept of "the beloved community" which was King's solution to hatred and oppression. The speech took a problem-solution form in which King traced the history of blacks in America and detailed the past suffering of his people. He then proposed a dream, his dream, which he believed was the solution to the problem. This dream included a community in which all would live together in love, peace, and brotherhood. The general structure of the argument was strengthened with the repetitive form which reinforced the argument with "I have a dream . . ."[47] The jurisdiction for the speech was all persons here and abroad who upheld justice, equality, and freedom. His arguments permeated religious, social, and political fields using evidence from each and supporting his conclusions and justifications with universal values.

By 1967, King had changed his arguments so that he now advocated active civil disobedience rather than nonviolent resistance. He advocated refusing to serve in Vietnam, imprisonment, and death if necessary for just causes. His last book, Trumpet of Conscience, explained this more radical position. This type of argument resulted from the increased radicalism of blacks, the needs of poor people, and the outrage of the Vietnam War. He noted: "I cannot speak about the great themes of violence and nonviolence . . . without reflecting on the tremendous violence of Vietnam."[48] He detailed his reasons: the war is the enemy of the poor; it is crushing the hopes of the oppressed at home; and military violence in Vietnam morally harms the U.S. He believed that the war was evidence of spiritual doom for America and that it should be overtly protested by all with a moral conscience.[49] He encouraged nonviolent protest using Scriptural and political justifications supplemented by the evidence of the increasing death count, the uses of napalm, and the destruction of the nation. Again, the argument took the form of problem-solution--the problem being the war and the solution being nonviolent responses. The book was addressed to Americans with a conscience and permeated religious, social, and political fields using evidence and justification from each. Although he supplemented theological justification with political and social, the core of his reasoning was political and the claims involved judgments about the morality of the U. S. government and its leaders.

Integration is the final phase in the genesis of argument. In this stage, arguments given through time are fitted together so that they achieve a consistent whole. Even though the history of arguers and ideas change, forms and fields vary, goals and justifications expand, arguments do embody continuity through change. At this point, the criteria for "reasonableness" are applied to distinguished strong from weak arguments.

Fisher supplies five criteria for evaluating "the logic of good reasons" which are designed to evaluate the "weight of reason in any given messages."[50] His criteria can also apply to the genesis of arguments because evolutionary arguments should also meet the tests of fact, relevance, consequence, consistency, and transcedence so they produce "good reasons." Facticity concerns the accuracy and reliability of statements; relevance involves the applicability of the facts to a given field; consequence is the outcome of reasoning in relation to arguers and their values; consistency accounts for the reliability of arguments through time; and transcendence concerns the fundamental commitments of arguers.[51] To the extent that arguers meet these standards through the evolution of their arguments, they produce "good reasons."

During the time from 1954 until 1968, King argued for nonviolence in different argumentative forms and to different jurisdictions. At many times, King's argument breached the standards of facticity since they were overstated. For example, he frequently claimed that nonviolence was the only, the most effective, and the morally superior method for seeking change. This is simply inaccurate; nonviolence is one method that works well in certain cases for certain types of change.[52] King's arguments also failed to meet the criteria of relevance in cases where he used theological and philosophical justification and evidence about southern black oppression in the industrialized cities of the north like Chicago, Cleveland, and Detroit. The problems of the northern blacks were different, and these persons responded much more positively to Black Power and Black Pride than to nonviolence.[53] King never really succeeded in attracting these persons nor in adapting his reasons to them. Because he believed so strongly in nonviolence, he overstated his claims and failed to modify his reasoning sufficiently as he changed jurisdictions.

King met the criteria of consequence, consistency, and transcendence in a stronger way. Even though his black radical contemporaries faulted King for failing to bring about change, historians acknowledge his significant contribution in the changing of segregation laws about voting, housing, education, and transportation. In retrospect his method of nonviolence gained positive change for thousands, while the more radical black movements alienated lawmakers and harmed communities. King was consistent as well. Throughout his lifetime, he linked nonviolence closely to the theology of love and brotherhood and embraced its principles even when they were severely criticized by both radicals and moderates. Finally, integrated arguments should acknowledge the transcendent values which reveal the fundamental commitments of the arguers. Certainly, King's religious and moral values were revealed and reinforced during his lifetime. Using these standards, King's arguments were superior in terms of consistency, consequence, and transcendence and weaker in facticity and relevance. Perhaps the strong emphasis on the earlier criteria make the latter less likely for one to attain, since an unconditional commitment to values and consistency might force arguers to distort the facts or fail to adapt the reasons.

This essay investigates the historical evolution of argumentation through forms and fields. Although this criticism focused on King and the argument of nonviolence, it could have looked at the genesis of another argument of King or the approach of several different arguers to nonviolence. The essay demonstrates that arguments can be analyzed as historical entities rather than as an event or a piece of discourse since reasoning is part of an unending conversation.

This framework is useful for the analysis of the argumentation of many historical controversies in scientific, aesthetic, religious, and social fields. The framework can be applied to the arguments of one person on a central theme over a time span as this essay has done. Or the framework could investigate one theme as it is developed by many arguers through a period of time. Whatever the case, the framework gives a systematic approach to the study of the genesis of arguments. It demonstrates that argumentation is both product and process and that the products vary with the process. Moreover, forms and fields are fluid concepts varying according to arguer and issue.

FOOTNOTES

[1] Douglas Ehninger, "Argument as Method: Its Nature, Its Limitations, and Its Uses," Speech Monographs, 37 (June 1970), 101-111.

[2] Wayne Brockriede, "Where is Argument?" Journal of the American Forensic Association, 9 (Spring 1975), 179-182; "Rhetorical Criticism as Argument," Quarterly Journal of Speech, 60 (April 1974), 165-174; and "Characteristics of Argument and Arguing," Journal of American Forensic Association, 13 (Winter 1977), 129-132.

[3] Chairn Perelman and L. Olbrechts-Tyteca, The New Rhetoric: A Treatise on Argumentation, trans. John Wilinson and Purcell Weaver (1958; rpt. Cambridge: Cambridge University Press, 1969); Perelman, The Idea of Justice and the Problem of Argument, trans. John Petrie (London: Rutledge and Kegan, 1963). Lloyd F. Bitzer, "Aristotle's Enthymeme Revisited," Quarterly Journal of Speech, 45 (December 1959), 399-408; and "Rhetoric and Public Knowledge" in Rhetoric, Philosophy and Literature: An Exploration, ed. Don M. Burks (West Lafayette, Inc.: Purdue University Press, 1978), pp. 67-93.

[4] Edwin Black, Rhetorical Criticism: A Study in Method (1965: rpt. Madison: University of Wisconsin Press, 1978), ch. 6; and Karlyn Kohrs Campbell and Kathleen Jamieson, Form and Genre: Shaping Rhetorical Action (Falls Church, Va.: Speech Communication Assoc., 1978).

[5] John Cragan, "Rhetorical Strategy: A Dramatistic Interpretation and Application," Central States Speech Journal, 26 (Spring 1975), 4-11; Sonja K. Foss, "The Equal Rights Amendment Controversy: Two Worlds in Conflict," Quarterly Journal of Speech, 65 (October 1979), 275-289; and David Zarefsky, "The Great Society as a Rhetorical Proposition," Quarterly Journal of Speech, 65 (December 1979), 364-3 8.

[6] Brant R. Burleson, "A Cognitive-Developmental Perspective on Social Reasoning Processes," Western Journal of Speech, 45 (Spring 1981), 133-147. Some aspects of the cognitive developmental approach are discussed in Burleson, "The Place of Non-Discursive Symbolism, Formal Characterizations, and Hermeneutics in Argument: Analysis and Criticism," Journal of American Forensic Association, 16 (Spring 1980), 222-231; and Burleson and Susan L. Kline, "Habermas' Theory of Communication: A Critical Explication," Quarterly Journal of Speech, 65 (December 1979), 412-428; and Jurgen Habermas, Communication and the Evolution of Society, trans. Thomas McCarthy (1976; rpt. Boston; Beacon Press, 1979), ch. 2.

[7] Charles Kneupper, "Rhetoric, Argument, and Social Reality: A Social Constructive View," Journal of the American Forensic Association, 16 (Winter 1980), 173-181; and Kneupper, "Paradigms and Problems: Alternative Constructive/Interactionist Implications for Argumentation Theory," Journal of the American Forensic Association, 15 (Spring 1979), 220-227. Charles Willard makes this claim in several articles: "A Reformulation of the Concept of Argument: The Constructivist/Interactionist Foundations of a Sociology of Argument," Journal of the American Forensic Association, 14 (Winter 1978), 121-140; "On the Utility of Descriptive Diagrams for the Analysis and Criticism of Arguments," Communication Monographs, 43 (Spring 1978), 187-193; and "The Epistemic Functions of Argument: Reasoning and Decision-Making from a Constructive Interactionist Point of View," Journal of American Forensic Association, 15 (Winter 1979), 169-191; 15 (Spring 1979), 211-219.

[8] Stephen Toulmin, Human Understanding, Vol. I (Princeton: Princeton University Press, 1972).

[9] Kenneth Burke, The Philosophy of Literary Form (1941; rpt. Berkely: University of California Press, 1973), pp. 110-1.

[10] These common definitional properties of argument are found in Black, p. 149; Perelman and Olbrechts-Tyteca, p. 4; and Stephen Toulmin, The Uses of Argument (1958; rpt. Cambridge: Cambridge University Press, 1969).

[11] Brockriede, "Where is Argement?" 179-182.

[12] Ibid.

[13] Daniel J. O'Keefe, "Two Concepts of Argument," Journal of the American Forensic Association, 13 (Winter, 1977), 121-128.

[14] This position is developed in Herbert Butterfield, The Origins of Modern Science (New York: Free Press, 1957).

[15] Robert Bretall, ed., A Kierkegaard Anthology (Princeton: University Press, 1346).

[16] Bruce Vawter, A Path Through Genesis (New York: Sheed and Ward, 1956).

[17] Ibid.

[18] This evolutionary approach to argument is grounded in the assumptions that concepts and ideas evolve. These assumptions are

[19] Discussions of form appear in Black and in Campbell and Jamieson. The Burkean approach to form is developed in the following: Robert L. Heath, "Kenneth Burke on Form," *Quarterly Journal of Speech*, 65 (December 1979), 392-404; and Jane Blankenship and Barbara Sweeney, "The 'Energy' of Form," *Central States Speech Journal*, 31 (Fall 1980), 1972-183. Kenneth Burke develops the idea in: *Philosophy of Literary Form*, pp. 89-109; *Counter-Statement* (1941; rpt. Berkeley; University of California Press, 1968), pp. 123-124; and *Dramatism and Development* (Barre, Mass.: Clark University Press, 1972), p. 16.

[20] Burke, *Counter-Statement*, pp. 123-127.

[21] Ibid.

[23] Conventional form accounts for the natural patterning and sequential relating of discourse that appear in syllogistic and qualitative progressions. Syllogistic progress involves a clearly deduced and point-by-point linkage of reasons to each other to establish central ideas or issues; whereas qualitative progression involves a more inductive connection between reasons—a connection that is not entirely obvious until an entire work is perceived by an auditor. Repetitive form is "the restatement of the same thing in different ways" (*Counter-Statement*, p. 125), a form that reinforces major claims and issues which are part of arguments.

[24] Heath.

[25] Richard B. Gregg, "Kenneth Burke's Prolegomena to the Study of the Rhetoric of Form," *Communication Quarterly*, 26 (Fall 1978), 12.

[26] Kenneth Burke, *Language as Symbolic Action* (Berkeley, Ca.: University of California Press, pp. 16-20.

[27] *Uses of Argument*, ch. 4.

[28] *Human Understanding*, pp. 95-99

[29] Ibid., p. 168

[30] Ibid., p. 12.

[31] David L. Lewis, *King: A Critical Biography* (New York: Praeger Publishers, 1970), pp. 105 and 108.

[32] Kenneth L. Smith and Ira G. Zepp, Jr., Search for the Beloved Community: The Thinking of Martin Luther King, Jr., (Valley Forge, Pa.: Judson Press, 1974), ch. 3.

[33] Ibid., ch. 2.

[34] Ibid., ch. 2.

[35] Haines Walton, Jr., The Political Philosophy of Martin Luther King, Jr., (Westport, Connecticut: Greenwood Publishing Corporation, 1971). p. 27.

[36] The engagement phase features the arguer making symbolic choices regarding action within a situation. This process is explained by Herbert Blumer, Symbolic Interaction: Perspective and Method (Englewood Cliffs, N.J.: Prentice-Hall, 1961), pp. 64-68. The idea of engagement is compatible with evolutionary concepts, those of Burke and those of Toulmin. Engagement is associated with a particular time when the arguer enters a controversy.

[37] Lewis, ch. 3 and Walton, p. 45-54.

[38] Lewis, p. 58.

[39] Diversification features adaptation and change that are revealed in the arguments. Diversification generally includes innovations and selections by the arguer comparable to those explained in Human Understanding.

[40] M. L. King, Jr. Stride Toward Freedom: The Montgomery Story (New York: Harper & Row, Publishers, 1958, pp. 212-220; and Walton, p. 62.

[41] Stride Toward Freedom, p. 104.

[42] These conclusions are drawn throughout the book, Stride Toward Freedom.

[43] John Hope Franklin and Isidore Starr, eds. The Negro in 20th Century America (New York: Random House--Vintage Books, 1967), 151-68.

[44] Ibid., p. 156.

[45] Ibid., p. 163

[46] Ibid., p. 145.

[47] Analysis suggesting his vision of the beloved community appears in Smith and Zepp, ch. 6.

[48] Martin Luther King, Jr., The Triumph of Conscience (New York: Harper and Row, 1967), p. 21.

[49] Ibid., pp. 21-36.

[50] Walter R. Fisher, "Toward a Logic of Good Reasons," Quarterly Journal of Speech, 64 (December 1978), 379-80.

[51] Ibid., 376-384.

[52] Walton, p. 112-115.

[53] Ibid. A very negative criticism of King is found in Lionel Lokes, House Divided: The Life and Legacy of Martin Luther King (New Rochelle, N.Y.: Arlington House, 1968).

A SEARCH FOR AN APPROPRIATE ARGUMENTATIVE PARADIGM

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Three conferences later, individual speaking events has been given an opportunity to make its debut in a conference on argumentation. If those of us who are here to speak for and about the relationship between argumentation and individual speaking events appear with moral majority tendencies, suffice to say that it may derive from a feeling of having been left waiting in the wings for too many years. I do believe that if such feelings exist, they will readily pass. The important thing is, however, that a first major step is being taken to appropriately assess the relationship between individual events and the area of argumentation. My suspicion is that there is probably more curiosity than opposition to the notion that there is a definitive relationship between argumentation and individual events. As the *Proceedings of the Summer Conference in Argumentation* seem to suggest, belonging to the field of argumentation is more a matter of perspective than anything else.[1] My thinking on what might constitute an appropriate argumentative paradigm for individual events is but in its formative stage. Nevertheless, I shall attempt to briefly describe a paradigm which I believe is a beginning point and if I dare say so even an appropriate argumentative paradigm for individual speaking events.

Part of the difficulty in attempting to arrive at an appropriate argumentative paradigm for individual speaking events has involved the task of defining the term argumentation. Is argumentation a process, a product or a point of view? I am inclined, as an overall perspective, to endorse the position taken by Professor David Zarefsky which suggests that the referent of the term argumentation is not what matters:

> But what of the question whether argument$_1$ or argument$_2$ should be the primary focus of our research? The virtue I find in seeing argumentation as point of view is that it transforms this unresolvable question into a pseudo-problem. Put bluntly, it does not matter. Since we are no longer trying to answer the question of whether to study x or y, but rather what emphasis should dominate our construal of whatever we study, there is no need to answer the question *a priori*.[2]

Professor Zarefsky's position suggests that if we are to err in the arbitrariness of definition let it be in the direction of inclusiveness rather than exclusiveness. Such a perspective would readily welcome Robert Trapp's position that argumentation may be viewed as "...the conceptual representation of ideas through interpersonal communication."[3] Similarly, the interpretation of the notion of argumentation by Rieke and Sillars would be accommodated by an inclusive perspective:

> ...it should be clear that an argument consists of the assertion of a claim along with a reason or reasons stated or implied. Because the reasons offered must ultimately be judged by the audience receiving the claim they may take as many different forms as there are differences among people in the audience... we include in our concept of audience any human being to whom an argument is communicated by whatever medium.[4]

Additionally, the construct of argumentation offered by Ziegelmueller and Dause would be readily accommodated by an inclusive perspective:

> ..argumentation is defined as the study of the logical principles which underlie the examination and presentation of persuasive claims....as the above definition recognizes, the immediate focus of argumentation is on logical principles, but its ultimate concern is with persuasive claims.[5]

Whatever one's perspective, argumentation as a construct seem to exhibit an amiable amount of elasticity. To argue that individual events might be included under the notion of argumentation does not seem controversial.

The notion of claim-making in argumentation is not without an element of discreteness. The discreteness, however, can be more appropriately linked to perspective then be arbitrarily defined. Thus, for individual events to be constructed as a means of claim-making should not be controversial but should be viewed as simply a matter of perspective. In the context of the divisions of argumentation described by Professor Wenzel, individual events is probably best linked with the "rhetorical dimension" of argumentation.[6]

As a starting point, speaker-act seems to constitute an appropriate argumentative paradigm for individual speaking events. The notion of speak-act as conceived by Wallace and also by Perelman offers a perspective which affords some clear linkages between individual events and argumentation.[7]

The following argumentative paradigm of speaker-act, as applied to individual events, is more of a synthesis of the thinking of Wallace and of Perelman than reflective of the singular thinking of either. On the one hand, Wallace holds that the speaker is central to the focus of the speaker-act, while on the other hand, Perelman holds that the audience is central to the focus of the speaker-act. The position I will support is simply that it is not critical to label either speaker or audience as central to one's focus for both are relative and both are important.

As an argumentative endeavor, individual events occur in a quasi-symbolic environment. Quasi-symbolic because the situation of discourse is both real and contrived. Contrived in the sense that the constraints of the contest (laboratory) influence both form and substance as well as materials and presentation. Real in the sense that the speaker-act constitutes an attempt to influence the listeners' perceptions of reality, its worth, or even offer a judgemental claim on the nature and/or worth of an interpersonal relationship. As Karl Wallace suggests, the structured occasion need not preempt claim-making by the speaker:

> Cultured habits thus specify recurring occasions for utterance and account for audience and speaker. Speeches thus caused may reveal marked ritualistic features, although some speakers--preachers and political leaders, for example--often manage to make ritual the occasion for discussing real problems.[8]

As a matter of perspective, individual events can be and should be perceived as an argumentative endeavor of claim-making by the contestant. Whether the event be an oral interpretation event or a public speaking event, the contestant is attempting to set forth a claim. A claim deemed worthy and significant by the speaker. This notion might well explain a contestant's resistance to a coach's suggestion to dump a given selection because of its lack of success in the contest situation. The contestant may cling to a literary selection or a particular speech simply because the material contains a message that contestant wants to share. The New Rhetoric suggests that the relationship between a speaker and the speech act is a critical part of argumentation:

> In treating the relationship between act and person, the speech, considered an act of the speaker deserves special attention, both because, for many people, speech is the most characteristic manifestation of the person and because the interaction between speaker and speech plays a very important part in argumentation. Irrespective of his wishes and whether or not he himself uses connections of the act-person type, a speaker runs the risk that the hearer will regard him as intimately connected with his speech. This interaction between speaker and speech is perhaps the most characteristic part of argumentation as opposed to demonstration.[9]

Additionally, Perelman notes that speaker-act relationship is operative even when the materials of the speech act are not the original thoughts of the speaker.

> Even the words of other people, when repeated by the speaker, have changed their meaning, for in the process of repetition he always adopts toward them a position that is in some way new, even if only in the degree of importance he attaches to them. This applies to statements made in arguments from authority. It is also true of children's remarks. Lewis Carroll was right when he wrote to a friend that irreverent remarks which are assumed to be innocent when made by children lose their innocent character when repeated by grown-up persons.[10]

The contestant entered in an oral interpretation event as well as the contestant entered in a public speaking event can be perceived as engaging in the process of claim-making.

Conceptually, Wallace looks upon the speaker-act as a unit of "meaningful utterance" in the context of rhetorical action.[11] Wallace's perspective transcends the notions of argument as product and argument of process:

> By rhetorical action I mean simply the kind of response that the speaker, a rhetor, makes to a particular communicative context. This response is a meaningful response to a meaningful situation. It is a response, also, in which speaker and listener participate with their whole beings. They rely ultimately upon man's ordinary language--and the common language is the coinage and currency of man's whole experience, his practical wisdom.....a person who responds rhetorically has an end or purpose in view, and this dominates his choice of materials and his forming of them. And all of the features of his act--purpose, materials and form--are functions of the rhetorical context....the rhetorical act establishes the rhetorical point of view.[12]

For the individual events contestant, then, the process of communicating is an act of offering a meaningful utterance in a given context. The purpose of the experience is to set forth a meaningful claim for the listener. Obviously, the contestant is also engaging in the communicative endeavor as a means of testing artistic talent with a residule purpose of self-gratification. Nevertheless, the experience does occur within the confines of a meaningful situation for the contestant. If and when the experience ceases to be meaningful, the contestant will probably desire to cease participation.

The nature of the claims set forth by the contestant may vary as widely as do the range of issues and values encountered by a society or a given segment of society. And as previously mentioned, the nature of a given claim may as well offer a comment on an interpersonal relationship. For in the context of a meaningful utterance every speech will have its thesis statement and every interpretative reading will have its moral to share.

On the bases of thought and observation it might be possible to identify a set of analytical topoi for each of the individual speaking events. Such an endeavor might produce a set of stock issues to be attended to in preparation for participation in each of the various events. As is the case in academic debate, a set of analytical topoi could serve as a starting point of analysis. Currently, in the realm of the public speaking events, traces of a set of stock issues surface from time-to-time in the critiques of the contestants. In persuasive speaking, for example, the contestant is expected to identify a problem, identify the cause of the problem, offer a solution to the problem and visualize the potential cost factor involved in operationalizing or not operationalizing the solution. In the area of oral interpretation the contestant is expected to address the issue of relevance and offer an experiential link between the literature and the world of the listener. The voicing of expectations on the part of the critics suggests that reason - giving in support of argumentative utterances are a part of the world for the contestant involved in individual events.

As a means of structuring one's reasoning, I tend to encounter more instances of induction than deduction on the part of the contestants entered in individual speaking events. Frequently, a claim on a given issue is presented initially in the form of a question and the modus operandi is for the speaker to reason with the listener to a conclusion. Some of the practices exhibited by the individual events contestant clearly contribute to what Perelman calls a communion with the audience:

> Since a speaker must often assume the role of a mentor who advises, reprimands, and directs, he must be careful not to rouse a feeling of inferiority and hostility toward himself in his public; the audience must get the impression that it has full freedom of decision.... Every technique promoting the communion of the speaker with his audience will decrease the opposition between them--an opposition which is harmful when the task of the speaker is to persuade.[13]

Reason-giving, then, in support of an argumentative claim involves an attempt to accommodate the listener's belief and value systems. Inductive reasoning, as a means of structuring a contest utterance, may facilitate the persuasive impact of the contestant's claim.

The process of giving form to an argument on the part of an individual events participant is really no different than that of a participant in academic debate. If one were to examine how the individual events student attempts to link the data supporting a claim with the actual claim, the connection would, in all probability, follow traditional inferential patterns. Inductive linkages such as argument by example, analogy or causal correlation; as well as, deductive linkages such as argument from sign or causal generalization form the bases of the linkages the individual events contestant posits between thesis and audience and/or data and claim.[14] An attempt to provide linkages occurs in oral interpretation as well as the public speaking events. Critical inquiry into the forms of argument in individual events might reveal preferential forms of argument.

Additionally, Perelman's unit on the techniques of argumentation provide a rich hunting ground for potential analytical topoi and also nuances of possible linkages a person might employ to adjust a claim to the belief and value systems of the hearer. Certainly of interest to the critic exploring the relationship between oral interpretation and argumentation would be Perelman's notion of the double hierarchy argument.[15] For within the notion of the double hierarchy argument one set of values can be used to provide a justification for another set of values. In literature, for example, a story dealing with a negative interpersonal relationship might be used by the contestant to establish a claim which advocates the need for sensitivity when dealing with another human being.

Support for the claim advanced in the individual events situation may exhibit a wide range of possibilities. Like the debater, an individual events student may use data in the forms of factual or non-factual evidence to support a claim. Additionally, the individual events participant may make extensive use of data in the form of the audience premise---statements reflecting the beliefs of an audience. The nature of the premise used to support a particular claim will depend in part on whether the speaker is attempting to utilize the beliefs of a particular or a universal audience.[16] Because of the presence of the critic-judge, some adaptation of supporting material, in all probability, takes place. The critic-judge may be construed as a technical audience for the speaker.

For the contestant in oral interpretation another form of supporting material comes into play. The literary selection functions as the primary form of data in support of the speaker's claim. While the parable may not seem to some as a form of data, it is but a specialized type of example used in an analogical sense. As a device for making claims credible for the listener, the parable has enjoyed a long tenure, especially in Biblical writings.

One other means of making claims credible needs to be mentioned. For the contestant in individual events, delivery is also a means of making ideas credible for the listener. One need only listen to a hollow performance on the part of a competitor to fully understand what I am saying. While delivery probably has its fullest impact on the credibility of the claim in an oral interpretation performance, it is also a factor in establishing the credibility of an idea in the public speaking events. Disclaimers to the contrary, delivery also seems to influence the credibility of a claim in academic debate. In terms of speaker-act, Wallace suggests that language and delivery influences the listener's receptivity to the speaker's claim:

> Delivery might be better viewed as an utterance that objectifies one's response to a context in which the respondent becomes a communicator. The physical basis is vocal and gestural (or bodily) behavior. This behavior is modified and shaped by words and word combinations that are subject to, and are refined by, the meaningful aspect of utterance.[17]

Whether the matter be delivery, the use of a parable, the use of audience premises, or the use of evidence, putting forth supporting material for one's claim is an inextricable part of the speaker-act in individual speaking events.

My final area of concern involves the matter of refutation. Does the refutation of an argument occur in the realm of individual events? My thinking on this matter suggests that refutation is involved in individual events but not in the traditional sense that one would encounter it in academic debate. Refutation for the contestant in individual events tends to take place prior to the discourse, unlike academic debate in which refutation takes place during the presentation. All individual events students would readily acknowledge that they attempt to adapt claims to audience. This notion is somewhat akin with the idea of adapting one's remarks to meet the demands and expectations of the universal audience.

Refutation may also take place in response to objections posited by the critic-judge. Most students in individual events compete in a situation where they are likely to encounter the same critic-judge at subsequent tournaments. Weaknesses cited on a ballot become the object of action or inaction. It is not uncommon for the contestant to strengthen the materials or form in order to avoid similar criticisms in subsequent contest situations. Furthermore, when an objection has been raised which doesn't require change, it is not uncommon for the contestant to insert a defense of the object of criticism as a means of preempting the same objection in a subsequent contest situation.

Speaker-act as a possible argumentative paradigm for individual events seems useful and appropriate. The speaker-act paradigm seems particularly helpful when viewed through Wallace's notion of rhetorical action. Unlike Wallace, I don't believe that it is necessary to claim that the speaker is central to one's focus nor do I concur with Perelman's notion that audience must be considered the centrality of focus. Speaker and audience are inextricably linked in the totality of the argumentative process engaged in by the person in individual events. Individual events seem most appropriately tied to the rhetorical dimension of argumentation. There is much room for investigation of the relationship between argumentation and individual events. Claim-making is indeed an intricate part of the activity in individual speaking events. In substance, matter,and form, individual speaking events exhibit many definitive links to the field of argumentation. Much of what we establish as appropriate is directly attributable to perspective. If our vision is not too narrow, I think that the relationship between individual events and argumentation is solid. Three conferences later the debut of individual events in a conference on argumentation has occurred. If you are experiencing guilt feelings for having left individual events in the wings for too long a period of time, take solace in the fact that your guilt can be shared. Two years ago I was here as an attentive debate coach.

FOOTNOTES

[1] Jack Rhodes and Sara Newell, eds., *Proceedings of The Summer Conference on Argumentation* (January, 1980): pp. 112-238.

[2] David Zarefsky, "Product, Process or Point of View?", *Proceedings of The Summer Conference on Argumentation,* (January, 1980): p. 236.

[3] Robert Trapp, "Special Report on Argumentation: Introduction," *Western Journal of Speech Communication* 45 (Spring 1981): p. 116.

[4] Richard D. Rieke and Malcolm O. Sillars, *Argumentation and the Decision Making Process* (New York: John Wiley & Sons, Inc., 1975), p. 6.

[5] George W. Ziegelmueller and Charles A. Dause, *Argumentation: Inquiry and Advocacy* (Englewood Cliffs: Prentice-Hall, Inc., 1975), p. 4.

[6] Joseph W. Wenzel, "Perspectives on Argument" *Proceedings of The Summer Conferences on Argumentation* (January, 1980): p. 124.

[7] For a perspective on the notion of speaker-act, helpful resources are Karl R. Wallace, *Understanding Discourse: The Speech Act and Rhetorical Action* (Baton Rouge: Louisiana State University Press, 1970); and Chaim Perelman and L. Olbrechts-Tyteca, *The New Rhetoric: A Treatise on Argumentation* (Notre Dame: University of Notre Dame Press, 1969).

[8] Wallace, pp. 78-79.

[9] Perelman and Olbrechts-Tyteca, pp. 316-317.

[10] Ibid, p. 317.

[11] Wallace, p. 21.

[12] Ibid.

[13] Perelman and Olbrechts-Tyteca, pp. 320-321.

[14] See Ziegelmueller and Dause, pp. 94-109.

[15] See Perelman and Olbrechts-Tyteca, pp. 337-345.

[16] Ibid., see pp. 26-44.

[17] Wallace, p. 120.

THE ROLE OF ARGUMENTATIVE ANALYSIS IN INDIVIDUAL EVENTS

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The relationship between the two divisions of forensics--debate and individual events--has traditionally been a shakey one. While some debaters would hesitantly try persuasion, extemporaneous speaking, or impromptu speaking, and some individual events competitors would foray into a debate round, few competitors (or coaches, for that matter) consistently excelled in both activities. It is easy to argue that the two areas tend to emphasize different skills which hampers the transfer of acquired skills (success) in one to the other. It cannot be doubted that there is some merit in this explanation. However, overlap also unquestionably exists, and it is the purpose of this brief essay to explore one area of overlap--the role of argumentative analysis in individual events.

It should be noted that this transfer is not necessarily one-sided. For instance, the skills of audience analysis developed through competition in persuasion can be of use in debate. The claim that debates already employ audience analysis does not deny the possibility of transfer, any more than the assertion that individual events competitors already employ forms of argumentative analysis obviates any possibility of transfer in the opposite direction. The fact that argumentative analysis is a major focus of academic debate, and that persuasive technique is the primary concern of persuasion, mitigate against these arguments.

In order to develop the contention that argumentative analysis has an important role in individual events, the nature of "argumentative analysis," "forensics," and "individual events" will be briefly sketched. Then, each individual event will be considered in order to determine what, if any, role argumentative analysis can perform.

The authoritative Oxford English Dictionary defines "analysis" as "the resolution or breaking up of anything complex into its various simple elements, the opposite process to synthesis; the exact determination of the elements or components of anything complex."[1] Webster's New World Dictionary suggests possible goals of analysis when it defines it as "a separating or breaking up of any whole into its parts, esp. with an examination of those parts to find out their nature, proportion, function, interrelationship, etc."[2] So, analysis is a process of breaking a complex entity into its component parts, and is undertaken to discover the nature, function, and relationship of those parts.

The National Developmental Conference on Forensics asserts that "argumentation" is "the study of reason giving by people as justification for acts, beliefs, attitudes, and values."[3] Somewhat different is the conception of argumentation developed by Ziegelmueller and Dause: "The study of the logical principles which underlie the examination and presentation of persuasive claims."[4] Given that the end of persuasion can be an attempt to alter beliefs, values, attitudes, and actions, both definitions thus hold that argumentation is persuasive. The notion of "reason-giving" and of "logical principles" suggest that argumentation is fundamentally justifactory. So, argumentation is the study of the justification of persuasive claims.

It is not surprising, then, that Ziegelmueller and Dause define analysis within the realm of argumentation as "the process of breaking down a controversy into component parts in order to discover the issues."[5] They stress that the "ultimate goal of analysis [is] the discovery of issues."[6] That argumentative analysis relates to a controversy or controversial topic is consistent with the notion that argumentation deals with persuasive claims. The concern for discovery of issues is consistent with the idea that argumentation is justificatory, or involves reason-giving. Therefore, argumentative analysis is the process of breaking down a controversial topic in order to discover issues supporting persuasive claims. It is a distinct form (or application) of analysis generally.

Let us next consider the nature of "forensics" and "individual events." Klopf and Lahman define "individual speech events" as "those in which a student prepares material and speaks or reads it by himself. He enters contest rounds with other students, but he speaks as an individual and has no working relationship with others."[7] This definition obviously excludes dramatic duo. While they do not appear to attempt to define individual events, Faules, Rieke, and Rhodes "excluded both dramatic duo and readers' theatre from consideration," in part because the former "is obviously not an individual event in the literal sense of the term," and the latter partly because it "depends on an even larger number of performers."[8] Given the current entrenchment of dramatic duo in forensic tournaments and programs, either the label "individual events" should be altered or else we should resolve ourself to the anomaly of an individual event done in pairs.

The fairly influential definition of forensics developed by the National Developmental Conference deserves some consideration in this regard, for while it of course is broader in scope than individual events, it advances a conceptual definition of the activity, which was absent in the two conceptions just discussed.

> Forensics is an educational activity primarily concerned with using an argumentative perspective in examining problems and communicating with people. . . forensics activities, including debate and individual events, are laboratories for helping students to understand and communicate various forms of argument more effectively in a variety of contexts with a variety of audiences.[9]

The advantage of such a conceptual definition is obvious. Its appropriateness for a discussion of the role of argumentative analysis in individual events should also be readily apparent. However, for reasons which will become clear later, I prefer to substitute a simple enumeration of individual events. If nothing else, as long as such a list is not considered to be a static one, it has the advantage of providing examples of the major events.

Ten events are currently featured at one or both of the two major national individual events tournaments. For purposes of this discussion, they are grouped in this fashion.

Persuasion
Rhetorical Criticism
Extemporaneous
Impromptu
Expository
After Dinner Speaking
Prose/Poetry/Dramatic/Dramatic Duo

These events are arranged in the order in which argumentative analysis can play an important role. In other words, I take the position that the usefulness of argumentative analysis in individual events can best be represented as a continuum, from great to none (or virtually none). While the particular order of some of the events may be arguable--e.g., impromptu, expository speaking, and after dinner speaking--I will defend the continuum in general. Each event will be discussed individually, except for the interpretation events, which will be dealt with as a group, in the order presented above.

Persuasive speaking is the individual event which can employ the tools of argumentative analysis to a greater degree than any other event. Recall that it was argued earlier that argumentative analysis is the process of breaking down a controversial topic in order to discover issues which support persuasive claims. A good persuasive topic should be controversial; that is to say, not obviously one-sided. Such a speech by definition contains persuasive claims, and appropriate treatment of the issues should help change the beliefs, values, attitudes, or actions of the audience. It should be clear that argumentative analysis plays a preeminent role in the event of persuasive speaking.

The role argumentative analysis can play in rhetorical or communication analysis is only somewhat less than in persuasive speaking. One of the functions which criticism--particularly criticism for forensics competition--can perform is to render a judgment or evaluation of discourse.[10] This judgment should be supported by arguments, which was recognized by Wayne Brockriede in his essay entitled "Rhetorical Criticism as Argument."[11] As long as I am citing article titles, I should mention Anthony Hillbruner's paper, "Criticism as Persuasion."[12] The usefulness of argumentative analysis, to assist in the invention of arguments and the effectuation of persuasion, should be fairly clear.

Extemporaneous speaking requires that the competitor answer a question and to provide support for that answer. At this juncture I will offer a distinction between argumentation and description, which will also be of use later. The former presupposes the need for justification or proof. While one could challenge any statement and call for some reasons in support of it, few of us are so skeptical that we would go to such lengths. Only on controversial or unfamiliar points do we require, or expect, supporting rationale. It has been my experience that some extemporaneous speech topics call only for description and that many require both description and argumentation. Assuming that this distinction and this judgment of extemp topics are accepted, then argumentative analysis would be useful in topics which required argumentation, and to a somewhat lesser degree, in topics requiring both description and argumentation. Of course, these may well constitute the vast majority of extemp topics, and quite possibly the most intriguing ones. I advance this distinction and the related judgment concerning the nature of extemp topics primarily to establish extemporaneous speaking on the continuum of the importance of argumentative analysis in individual events.

Impromptu speaking still contains the opportunity for argumentative analysis, but to a smaller degree than extemp. This event is difficult to evaluate because it exists in various formats. The topic can be a cartoon, a famous (or not-so-famous) quotation, a prose clipping (e.g., an editorial), or other forms. It can be seen that some topics are likely to lend themselves more to argument, others to description, illustration, or other approaches. While the impromptu contestants may choose to employ a direct, persuasive strategy--making argumentative analysis highly useful--there is no compulsion here.

Many do not accept the distinction between informing and persuading. Research suggests that information may persuade, and it is difficult to persuade without providing any information. The arguments go further than this, but this is not the form for exploring this complex issue. As was suggested earlier under the labels of "descriptive" and "argumentative," it is possible to present information on relatively non-controversial topics without the intent to persuade and without much persuasive import. Further, to the extent that forensics offers two distinct events--expository speaking and persuasive speaking--it is not unreasonable for purposes of this paper to accept that distinction and suggest that argumentative analysis--the process of breaking down a controversy in order to discover issues to support persuasive claims--plays a relatively small role in this particular individual event.

The same is true of an after dinner speech. While the objections to a distinction between informative and persuasive speeches could probably be adapted to argue against such a distinction between entertaining and persuasive speeches, since forensics does make such a distinction, it is not unreasonable to make it in this area as well. While it is certainly possible and often wise to select and arrange the after dinner speech so as to forcefully though humorously support the obligatory "serious point" in a subtly argumentative fashion, this is not an inherent part of the event. Only in that "serious point" is the use of argumentative analysis actually needed. The proverbial brevity of this section suggests that the role of argumentative analysis in after dinner speaking is quite small.

Finally, the interpretation events--prose, poetry, dramatic, and dramatic duo--will be discussed. I argue that argumentative analysis plays virtually no role in this group's events. First, let me deal with the qualification "virtually." I concede that an interpreter may arrange a program of selections or the exerpts of a piece retained in their cutting so as to make a statement, or "argument." It is also quite likely that the literature at hand contains an argument developed by the author, and the interpretation competitor would communicate that argument to the audience in a successful interpretation. The latter is clearly the invention of the author and utterly incidental to the interpreter and to the craft of interpretation. While the former is the act of the interpreter, it is the act of an individual and, I argue, not intrinsic to the essence of the art of interpretation.

The definition of interpretation will perhaps make this notion more clear:

> Interpretation, or oral reading, is the re-creation of oral tales, from printed pages, which are shared with one or more listeners. It permits students to analyze their material for content and probably meaning and to share the meaning with others.[13]

Interpretation does involve analysis--but not argumentative analysis. After analysis determines the author's intent, interpretation becomes a re-creative activity. Its ultimate purpose is to determine the meaning or feeling or concept the author was attempting to create in the literature and read that literature so as to evoke that meaning or feeling or concept in the audience. The interpreter's purpose, as an interpreter, is not to make an argument, supporting it with pieces of literature, but only to transfer or evoke the author's purpose or idea--whatever it might be--in the listeners. Thus, argumentative analysis has nothing to give the art of interpretation, although an individual interpreter might employ it. Certainly nothing in the interpretative events necessitates any use of this tool. The competitor may use the art of interpretation for argumentative purposes--and in that case argumentative analysis could come into play--but the art of interpretation is not inherently argumentative.

It should be obvious now why I reject the National Developmental Conference's definition of "forensics." I do not believe that all individual events primarily employ "an argumentative perspective in existing problems" or attempt "to understand and communicate various forms of argument." While I concede that an argumentative perspective may shed some useful light on these activities, I do not believe it embodies the essence of events such as expository speaking, after dinner speaking, or interpretation.

I would like to end this analysis by anticipating one possible objection. It is possible to consider the "logical outline" as a tool of argumentative analysis, for; as Ziegelmueller and Dause explain, "A logical outline breaks a whole down into its parts for purposes of clarity."[14] Since outlining is widely used, especially in impromptu and expository speaking, it may be argued that argumentative analysis plays a wider role than asserted here. However, the logical outline is a tool of analysis in general, and only becomes a tool of argumentative analysis when it is used on a controversial topic, in order to discover issues, which can be used to support persuasive claims. When it is used to order descriptive or entertaining ideas, it is only a tool of analysis and not one of argumentative analysis.

Thus, it is argued that the role of argumentative analysis in individual events is best conceptualized as lying on a continuum. Persuasive speaking, followed closely by rhetorical or communicative criticism, can make great use of this tool. Extemporaneous speaking often finds it important. It can be useful in impromptu speaking. Argumentative analysis can be of little use in expository speaking and after dinner speaking. It is of no use in interpretation. These arguments are based on a distinction between analysis generally and argumentative analysis specifically, as well as a distinction between fundamentally persuasive purposes and other purposes. This latter distinction is justified mainly on the basis that forensics has seen fit to draw similar distinctions.

NOTES

[1] Oxford University Dictionary (Oxford: Oxford University Press, 1971), p. 305.

[2] Webster's New World Dictionary, 2nd college edition (n.p.: William Collins + World Publishing, 1978), p. 49.

[3] National Developmental Conference on Forensics, Forensics as Communication: The Argumentative Perspective, ed. James H. McBath (Skokie: National Textbook, 1975), p. 163 (italics omitted).

[4] George W. Ziegelmueller and Charles A. Dause, Argumentation: Inquiry and Advocacy (Englewood Cliffs: Prentice-Hall, 1975), p. 4 (italics omitted).

[5] Ibid., p. 28 (italics omitted).

[6] Ibid.

[7] Donald W. Klopf and Carroll P. Lahman, Coaching and Directing Forensics (Scranton: International Textbook, 1967), p. 194.

[8] Don F. Faules, Richard D. Rieke, and Jack Rhodes, Directing Forensics (Denver: Morton, 1976), pp. 223-24.

[9] National Developmental Conference, p. 11 (italics omitted).

[10] Rhetorical criticism can also test aspects of rhetorical theory or help generate the generalizations of rhetorical theory. See, e.g., William L. Benoit, "An Introduction to the Literature on Rhetorical Criticism: A Partially Annotated Bibliography," Central States Speech Association Convention, Chicago, April 1981; or William L. Benoit, "Rhetorical Theory, Rhetorical Criticism, and Generic Rhetorical Criticism," VIIth International Colloquium on Verbal Communication, Lincoln, August 1980.

[11] Wayne Brockriede, "Rhetorical Criticism as Argument," Quarterly Journal of Speech 10(1974): 165-74.

[12] Anthony Hillbruner, "Criticism as Persuasion," Southern Speech Journal 28(1963): 260-67.

[13] P. Judson Newcombe and Karl F. Robinson, Teaching Speech Communication (New York: David McKay, 1975), p. 259.

[14] Ziegelmueller and Dause, p. 130 (italics omitted).

ARGUMENTATIVE GOALS OF INDIVIDUAL EVENTS: AN ATTEMPT AT DEFINITION

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The "Definitional Statement" of *Forensics as Communication*, the proceedings of the Sedalia Conference, was a conscious attempt by the conferees to enunciate a framework "that neither automatically included nor excluded any competitive events, but instead designated a perspective from which to study communication."[1] This shift in emphasis from forensics as "activity" to forensics as "perspective for scholarship"[2] is cited by several reviewers of *Forensics as Communication* as a significant contribution of the volume.[3] Portions of that definition relevant to this paper are supplied below:

> *Forensics is an educational activity primarily concerned with using an argumentative perspective in examining problems and communicating with people.* An argumentative perspective on communication involves the study of reason giving by people as justification for acts, beliefs, attitudes and values. From this perspective, *forensics activities, including debate and individual events, are laboratories for helping students to understand and communicate various forms of argument more effectively in a variety of contexts with a variety of audiences.* . . . . This view presupposes that people often choose to express their conclusions about the world and to present their arguments in a variety of forms, including literary and aesthetic expression as well as instrumental communication. This is not to say that all communication is primarily or even essentially argumentative, but it is to say that forms of communication may be approached from an argumentative perspective. The forensic function of the orator, the reader, or the debater is to identify and communicate the argumentative dimension.[4]

My own reading of the definition led me to several conclusions. First, the scope and potential significance of forensics extended considerably beyond the tournament setting. I concurred with Hunt's judgment and shared his optimism:

> Such a perspective simultaneously covers dialectical and rhetorical skills since it deals with argument in a holistic context as a reason giving and decision effecting acti-

> vity. It extends the area of concern for forensics personnel beyond the competitive activity level to the whole educational area of public argument. The conference's 'argumentative perspective' ought really to have a most healthy effect on the goals and roles for forensics for some time.[5]

My second conclusion regarding the Sedalia conference definition was that the definition affirmed the philosophic complementarity of debate and individual events, and reflected a genuine concern by the conference for the burgeoning individual events area. While some saw the definition as divisive, others saw the benefits of unity of purpose, recognizing the pervasiveness of argument in all forms of discourse. After briefly reviewing the positions of both camps, Paules, Rieke, and Rhodes in their "Philosophy of Forensics" chapter concluded that

> . . . . There is no inherent threat to individual events. Instead, this definition alerts teachers to examine the purpose behind any forensic event and to notice the extent to which it permits or encourages students to learn about communication generally, and how to employ an argumentative perspective in particular.[6]

My third conclusion was that the Sedalia definition suggested new pathways for scholarship in forensics in general, and individual events in particular. The dearth of forensics research dealing with argumentation--in the public or forensics sector--was outlined by Anderson in 1974;

> In effect, researchers in the forensics community have stopped researching in the area of logical processes and those areas of argumentatimn which fit within the persuasion paradigms describing how people actually proceed in receiving, processing and acting upon stimuli.[7]

Sedalia, however, called for a rejuvenating of the very type of research Anderson wished, and, in addition, created (philosophically at least) new laboratories--individual events--where such research could reasonably occur.

A combination of research and reflection since my initial responses to the view of forensics adopted by Sedalia have left the "spirit" if not entirely the "substance" of my conclusions relatively unchanged. The scope and significance of argumentation has broadened considerably since 1974. Far greater attention has been paid to the reasoning processes of the individual decision-maker, argumentation plays a central role in the development of humane, value-laden rhetorics, and the analysis of argumentative strategies in public policy matters has become increasingly popular in rhetorical criticism. The role that current forensics specialists have played in this expansion is not entirely clear. Without a doubt, interest and published activity in the narrower realm of debate theory has increased among practioners and coaches alike. The rise of CEDA debate has increased inquiry into the nature of value propositions and value judgments.

Though the research interests of argumentation theorists and debate scholars appear isomorphic, however, there seems little integration between the groups. The implications of "good reasons" on CEDA debate have yet to be explored, while the everyday use of "stock issues" in decision-making remain pretty much a mystery. Anderson's words extend beyond quantitative research and are worth noting " . . . those conducting behavioral research in speech communication are moving in one direction while those involved in forensics and competitive debate are moving in a different if not opposite direction."[8] It just may be that the "growth" we are observing in argumentation is independent of the forensics "activity." Nevertheless, the potential for contribution to rhetorical scholarship is strong. Sillars and Zarefsky observed that:

> Scholars in forensics, in identifying the nature, scope, and function of argument, are defining the boundaries of a truth-testing instrument analogous to science in its rigor and appropriate to those questions that science cannot answer. The implication of regarding argumentation as the analog of science is to establish a strong claim for it as a means of knowing. Hence, forensics specialists should be able to contribute significantly to the philosophy of rhetoric.[9]

Any truth-testing instrument or process, however, must be itself put to rigorous test. Perhaps, as Sillars and Zarefsky later argue, competitive forensics--in debate or individual events--can be an effective laboratory for that necessary and rigorous testing.[10]

The philosophic complementarity between debate and individual events still remains strong in my mind, although the Sedalia conference's commitment to individual events has diminished substantially. For even cursory reading of Forensics as Communication, of course, reveals that the signs of concern for individual events were misleading. As Rhodes observed, "the conference was clearly occupied with the concerns of intercollegiate and high school debate to the point of *de facto* ignoring individual events."[11] The tremendous upswing in individual events popularity (in contrast with the decline in debate participation) warranted greater individual events' representation, and probably limited the generalizability of the conference recommendations to the forensics community as a whole.

Nowhere is this external validity problem more apparent than in the response of many coaches to the "argumentative perspective" as the conceptual and pragmatic focus of forensics. There may be a philosophic complementarity between debate and individual events for these individuals, but its locus definitely is not argument. Rhodes argues:

> Now it seems obvious to me that the Sedalia definition, in its insistence on the "argumentative perspective," is a statement incompatible with virtually all individual events involving interpretation and that it is simply an inappropriate model to use when examining what transpires in such popular events as poetry, prose, or dramatic duo.
>
> . . . . We have no inherent reasons for thinking that any greater appreciation or understanding, any more useful insights, might result from this type of analysis.[12]

Rhodes correctly points out the disparity between forensics as defined by the Sedalia conference and forensics as practiced in the United States. His observation fails as a criticism of Sedalia, however, for two reasons. First, properly interpreted, I believe, the Sedalia definition is more of an "ought" statement than a description of current forensics activity. It attempted to create an ideal toward which forensics educators and participants should strive--not one that was at or near fruition. What ought to be should be used as a guide to changing what is.

Second, the controversy over the appropriateness of the argumentation model for examination of "what transpires" in many individual events is slightly misplaced. I certainly am not suggesting that the "law of the hammer" be imposed on literature; appropriateness of method, of course, should guide the interpreter as it should guide any critic. However, for Rhodes' criticism to be valid, it appears we would have to accept "competitive" oral interpretation as synonymous with the academic discipline of oral interpretation. Few would equate debate with argumentation; the former is regarded as a subset of the latter. So, too, is the relationship between the competitive and scholarly areas of oral interpretation. To be sure, argumentative analysis is not the revealer of ultimate truth in literature any more than dramatistic criticism is the universally appropriate perspective through which oral discourse can be viewed. But it is well-suited for that considerable body of literature whose purpose is the development and expression of a persuasive point of view. The legitimacy of the argumentative link with oral interpretation will be justified later in the paper.

My appreciation of the potential of the new pathways for forensics and individual events research suggested by the Sedalia definition remains great; I am discouraged, however, by the status of scholarship in individual events. Little systematic investigation outside of teaching/coaching strategies in individual events exists, and even less than that focuses on the argumentative dimension. McBath, Bartanen, and Gossett note that, in view of the widespread growth of individual events participation, there has been "surprisingly little response" from the scholarly domain of the discipline.[13] Rhodes makes much the same argument:

> . . . practically no empirical research of which I am aware has focused on these events in which so many students and coaches spend a considerable part of their professional and co-curricular time and effort.
>
> I am at a loss to explain this dearth of research. . . . The scarcity of research is also puzzling because our discipline abounds in people well-qualified to undertake empirical, critical, and historical research projects. And the American Forensics Association has, through its research committee, demonstrated its willingness to receive research proposals concerning individual events.[14]

It is clear that, to this point at least, we have not responded well to the research and scholarship challenges of Sedalia. The promise is greater than ever; it is time to begin fulfilling some of it.

So, on balance, my commitment to the goals and ideals of Sedalia are as strong now as they were on first reading of Forensics as Communication. Thus, the following means and methods for defining goals for individual events are tempered and flavored by whatever "spirit of Sedalia" is really out there in forensic-land.

Three basic methods of defining individual events occur to me. The first is a statement of goals by event. That is, each extant individual event would be scrutinized to isolate its principle argumentative components. Presumably, lists of goals would be developed for all events and would serve as guides to instruction and evaluation of events. By and large, such an approach would not be fruitful. If one is interested in the constitutive and regulatory rules of contest speaking events, ample reference works already exist.[15] More importantly, such an approach to defining argumentative goals violates an essential criterion for scholarship under an argumentative perspective: the inextricable audience/argument relationship. Sillars and Zarefsky elaborate:

> Argumentation is the study of reason giving by people in communication situations. . . . We believe that scholars and teachers of argu-

> mentation are interested in knowing how people make arguments and how they can make them more effectively. Such an approach is clearly audience oriented. It provides for both normative and descriptive study but its focus is upon the total audience impact at one moment rather than upon isolated variables.[16]

Moreover, little is known about the dominant uses of argument in forensics events today or the characteristics of audiences--forensics or otherwise. Consideration of the event independent of audience is unwise, and explicit statement of goals without clearly defining audience is premature.

Having said that, let me be self-contradictory for a moment and attempt to justify oral interpretation from an argumentative perspective. As indicated earlier, much of what currently goes on in oral interpretation competition might well be "non-topical" if viewed from an argumentative perspective.

Within an argumentative perspective, in my view, competitive oral interpretation should be conceptualized as persuasive discourse, with literature serving as proof for the claims advanced in the performance. Support for this view initially comes from many Sedalia conference attendees:

> . . . advocates of the [forensics] definition pointed to the increasing use of rhetorical perspectives to study and criticize literature. That is, we have seen that much of literature represents a clear communication of a controversial point of view with an effort to argue in its favor. Additionally, any literature includes an argumentative element in the strategies the author uses to influence the meanings generated by the reader or listener. Critics have seen value in a blending of rhetorical and poetic elements in their analysis.[17]

Such a view is limiting competitive oral interpretation to a subset of oral interpretation as a whole, but it is hardly inconsistent with prevailing theories of oral interpretation. Theorists from Aristotle to Cohen, Lee, and Bacon have all recognized the suasory impact of shared experience in oral interpretation.

I also believe several advantages would result from shifting to an argumentative perspective in oral interpretation. First, greater insight into the uses of argumentation in literature would be revealed. The effects of various argumentative forms through various literary genres on various audiences creates a plethora of exciting research opportunities. Second, higher quality interpretation might result. My purely subjective judgment is that we are rewarding the highly emotional interpreter and penalizing the thoughtful, introspective, reflective interpreter. Approaching competitive oral interpretation from the argumentative perspective may well reduce what Bacon terms "indulgence in emotion," and result in a more desirable "mixture of intellect and emotion" that characterizes effective interpretation.[18] Finally, the adherence to an argumentative perspective might create greater consensus in interpretation judging. I know when I judge interpretation, I do so from an argumentative perspective. Many other judges do not. And much of the difference is that we see the event quite differently; it is not simply a matter of "taste." And there is no "rule" to guide us or no way we may make our biases explicit except on the ballot. An argumentative perspective would not eliminate, but would reduce, such judging disparities.

The second method for defining goals in individual events is as a statement of survival. Like it or not, competency-based education is becoming increasingly fact not fantasy, and accountability in educational training is requiring more precise goal statements and valid assessment procedures. In view of oral communication competency occupying significant discussion as a fourth basic skill, the nature of communication competencies certainly needs addressing. In 1977, the SCA Task Force on Minimal Speaking and Listening Competencies for High School Graduates was formed and charged with, among other things, developing recommended minimal speaking and listening skills and describing curricular development and implications resulting from these minimum competencies.[19]

Forensics coaches should read their recommended competencies carefully, for skill in argumentation is a key ingredient of communication competencies, and individual events may be a viable laboratory for providing these and other performance skills. Obviously the most direct impact would be on secondary school programs, but repercussions are bound to be felt at the elementary and collegiate level.

The nineteen recommended competencies were grouped into categories: communication codes, oral message evaluation, basic speech communication skills, and human relations. Each category was broken down by purpose of the competency: occupational, citizenship, and self and social maintenance. In order for a competency to be included, it had to be judged (1) functional (needed to achieve typical purpose in adult life), (2) educational (appropriate for instruction in the public schools, and (3) general (needed by all cultures, economic statuses, career and life goals).[20]

Each of the competency groupings, and many of the speciic competencies beneath them, reflect an argumentative perspective toward communication. The "communication codes" competency area dealt with "minimal abilities in speaking and understanding spoken English, and using nonverbal signs (e.g., gestures and facial expressions)."[21] Specific competencies in this dimension include "use words, pronunciation and grammar appropriate for situation" and "use voice effectively." An example of "maintenance" competency in the language usage skill is "Describe an ailment so that a doctor can understand the symptoms."[22]

The "oral message evaluation" dimension "involves the use of standards of appraisal to make judgments about oral messages or their effects."[23] Specific competencies here include "identify main ideas in messages," "distinguish facts from opinions," "distinguish between informative and persuasive messages," and "recognize when another does not understand your message." An example of the "citizenship" competence in the latter skill is "recognize when a customer doesn't understand your directions for product use."[24]

The "basic speech communication skills" dimension "deals with the process of selecting message elements and arranging them to produce spoken messages."[25] All seven competencies cited under this dimension relate directly to argument, including "express and defend with evidence your point of view," "organize (order) messages so that others can understand them," and "summarize messages." An example of the "occupational" competence in organization is "use a topical order when explaining production problems to a supervisor."[26]

Finally, the "human relations" dimension "is used for building and maintaining personal relationships and for resolving conflict."[27] Included in this dimension are specific competencies as "describe differences in viewpoint" and "perform social rituals." An example of the "citizenship" competence in ritualistic behavior is "introduce a motion at a public meeting."[28]

I do not wish to advocate or argue against communication competencies in this essay. To be sure, one could question many of the above competencies as irrelevant, untestable, or other grounds.[29] There is little question, however, that what we do in forensics integrates well with the above competencies, particularly in individual events like oratory, expository, and extemporaneous speaking. Moreover, the competencies do deal directly with the goal of forensics articulated by the Sedalia definition--"helping students to understand and communicate various forms of argument more effectively in a variety of contexts with a variety of audiences." Indeed, the whole notion basic skills seems inherently concerned with diversity of contexts and audiences.

It may be that some forensics events could be defined in light of the aforementioned competencies, that new events could be devised as laboratories for assessing various strategies to meet the competencies, or even that the whole nature of the forensics activity could change to supply students with a vehicle for demonstrating basic skills. At the very least, these competency statements might help to persuade teachers to try them out as assignments in their basic speech courses and report their findings to their state and regional associations. The problems associated with competency-based education can be better remedied by anticipating them and taking corrective action than by playing a waiting game until such standards are legislated.

Although it is unlikely that colleges and universities will be legislating competency standards in speech communication, there has been some study in that area. Borrowing from Rieke and Sillars' distinction between "general argumentation" and "special argumentation," Wayne Silver attempts to define a competent arguer:

> I. A competent arguer is able to present arguments which are analytically acceptable to members of a general audience. Specific activities included within this competency area are:
> A. advancing claims with sufficient clarity to create understanding among members of a generalized audience;
> B. providing reasons for claims that are clear, sensible and relevant to members
> C. organizing chains of reasoning in a manner clearly understood by members of a general audience. Chains of reasoning are multiple and interdependent arguments tied together;
> D. supporting claims and their reasons with evidence that is credible, consistent and coherent to members of a general audience.
>
> II. A competent arguer is able to react appropriately to potential variations in an argumentative situation. Specific activities included in this competency area are:
>
> A. asking and answering questions in a manner deemed acceptable by audience members;
> B. responding to or setting acceptable limits on interruptions and hostile comments by audience members;
> C. providing follow up or rebuttal comments that are clear, sensible, and responsive to audience members;
> D. adapting to unanticipated changes in

speaking time, format, topic emphasis or audience composition.

III. A competent arguer is able to adjust to the indigenous requirements of a specialized audience or reference group. Specific activities included in this competency are:

A. adapting to field dependent statements for acceptable value claims, reasoning or use of evidence. Field dependence implies that the standards originate with and are unique to a specific field;
B. adapting to field dependent formats and organizational patterns for presenting arguments;
C. adapting to field dependent norms, behavioral constraints or specialized language of a particular audience or reference group.[30]

Again, while this attempt at providing competency standards appears open to attack on grounds of ambiguity, operational definition omission or imprecision, not to mention validity and reliability problems with assessment procedures, it is a conscious attempt to respond to the "spirit of Sedalia" by specifying argumentative goals for forensics activity.

The third method for defining argumenative goals is as a statement of philosophy. To what end should individual events be directed? Given the definition of forensics provided in the paper, it is clear that the aggregate goal of individual events should be to enhance understanding and improve communication of arguments, to serve as a "laboratory" for scholarship. A program of research in individual events might attempt to seek answers to these types of argument-related issues:

1. What forms of argument dominate individual events? How do these differ (or are consonant with) the uses of argument in analogous events outside of forensics?

2. What criteria do audiences (lay, expert, etc.) apply when evaluating argument? (Indeed, is argument a significant factor in the evaluative judgment?) Are the criteria employed consistent with prevailing theoretic viewpoints in the field? (Are the assessment criteria grounded in theory at all?)

3. Are some forms of argument generally more persuasive to audiences than other forms? What variables appear to influence argumentative effectiveness?

4. By what means can we reliably and validly assess argumentative quality and argumentative effectiveness? Shall our instruments be behavioristic in nature? Intuitive and impressionistic? Shall the criteria for assessment be explicitly labeled? Or should they be self-generated and expressed by the critic?

I earlier categorized the status of scholarship in individual events as meagre, and not reflective of an argumentative focus. It doesn't have to be that way, of course.

Recently (if 1973 can be considered recent), Hope and Hale demonstrated that "actual" speeches and "forensics" speeches had markedly different introductions. For example, 40 of 315 contest speeches opened with quotations while only 4 of 472 public speeches did so; 46 contest speeches began with a narrative, while no public speaker chose such an opening.[31] They concluded that contest oratories were guilty of declaiming, not orating, the impact of which is articulated below:

> Any attempt at adaptation to audience and occasion is pointless in a situation in which there is no genuine audience or occasion. . . .
>
> To accept a contest in public speaking that does not require the exercise of the skills of the public speaker is to destroy the contest's reason for being. To accept a kind of speech-making that ignores the differences between speaking and writing is to put in question our teaching of speech composition.[32]

A close examination of the article reveals that the objection is not that the introductions do not provide the setting for the argumentative purpose, is not attention-getting and sustaining, or any of the traditionally taught functions of the introduction in any sort of persuasive message. No, the reason why these introductions were bad is because (1) real people don't use them before real audiences, and (2) the contest situation (memorized, fixed delivery) makes the contest essay-reading, not public speaking, thus perpetuating the problem of the "unnatural" introduction (i.e., if it sounds like an essay why not make it an essay?). The whole line of thinking is reflected in a statement made shortly after the authors have cited a series of "introductions" (their quotation marks): "How many public speeches have you heard that began with opening remarks like that?"[33] In other words, I don't like that type of introduction; neither does the general public, that's why they never use them.

An interesting thesis, one which could certainly dramatically alter the way we teach public speaking (at least introductions), if correct. Even excusing the possible defects in the argument raised, there is no excuse for not demonstrating some type of evidence to support their argumentation. It would be a simple matter to collect the information necessary in order to be able to address the claims made in the article. Audiences could respond to a variety of introductions, indicating their preferences on a variety of dimensions. More importantly, the link between introduction and argumentative purpose could be explored as a function of introduction type (it may be, for example, that audiences perceive little connection between a given introduction and the remainder of the speech).

In short, the study dealt with a potentially important area in the advancement of argumentation. Failure to deal with the issues from an argumentative perspective not only revealed huge evidentiary gaps in support of the rationale for the study, but also precluded the answers to questions of interest to the argumentation scholar. Even if the authors' thesis were correct, the conclusion of the article would be that we should abolish the competitive event of oratory and insert the competitive event of declamation. Unfortunately for all, the really important substantive questions and findings for public and private argument might well have been lost. Individual events research can be a gold mine for the inquisitive mind, aided by the presence of an argumentative perspective.

FOOTNOTES

[1] James H. McBath, ed., *Forensics as Communication* (Skokie, Ill.: National Textbook, 1975), p. 12.

[2] *Ibid.*

[3] See the following reviews of *Forensics as Communication*: Steven Hunt, *Journal of the American Forensics Association*, 12 (Spring 1976), 214-17; Linda J. Church, *Journal of the American Forensic Association*, 12 (Spring 1976), 217-19; Loren Anderson, *Communication Education*, 25 (September 1976), 267-68.

[4] McBath, p. 11.

[5] Hunt, 215.

[6] Don F. Faules, Richard D. Rieke, and Jack Rhodes, *Directing Forensics: Contest and Debate Speaking*, 2d Ed. (Denver: Morton, 1978), p. 37.

[7] Kenneth E. Anderson, "A Critical Review of the Behavioral Research in Argumentation and Forensics," *Journal of the American Forensic Association*, 10 (Winter 1974), 155.

[8] *Ibid.*, 151.

[9] Malcolm O. Sillars and David Zarefsky, "Future Goals and Roles of Forensics," in *Forensics as Communication*, ed. James H. McBath (Skokie, Ill.: National Textbook, 1975), p. 87.

[10] *Ibid.*, p. 89.

[11] Jack Rhodes, "On the Current State of Scholarship in Individual Events," *Speaker and Gavel*, 16 (Fall 1978), 14.

[12] *Ibid.*, 15.

[13] James H. McBath, Michael Bartanen, and John Gossett, "Research in Forensics: Reviewing 1977," *Association for Communication Administration Bulletin*, #28 (April 1979), 6.

[14] Rhodes, 16-17.

[15] For example, see William E. Buys, Martin Cobin, Paul Hunsinger, Melvin H. Miller, and Robert L. Scott, Contest Speaking Manual (Lincolnwood, Ill.: National Textbook, 1964); Donald W. Klopf and Stanley G. Rives, Individual Speaking Contests (Minneapolis: Burgess, 1967); Faules, Rieke, and Rhodes.

[16] Sillars and Zarefsky, pp. 84-85.

[17] Faules, Rieke, and Rhodes, p. 37.

[18] Wallace A. Bacon, The Art of Interpretation (New York: Holt, Rinehart, and Winston, 1966), p. 6.

[19] See, especially, Ronald E. Bassett, Nilwon Whittington, and Ann Staton-Spicer, "The Basics in Speaking and Listening for High School Graduates: What Should Be Assessed?," Communication Education, 27 (November 1978), 293-303.

[20] Ibid., 296-302.

[21] Ibid., 298.

[22] Ibid.

[23] Ibid., 299.

[24] Ibid.

[25] Ibid., 300.

[26] Ibid., 300-01.

[27] Ibid., 301-02.

[28] Ibid., 302.

[29] For a review of problems merely to assessing "functional competence," see Carl E. Larson, "problems in Assessing Functional Communication," Communication Education, 27 (November 1978), 304-09. The 1981-82 high school debate resolution, of course, deals directly with the competency question (Resolved: that the federal government should establish minimum educational standards in elementary and secondary schools in the U.S.).

[30] Wayne Silver, "Recent Trends in Argumentation and Collegiate Education: Implications and Alternatives for Forensics Programming," *Association for Communication Administration Bulletin*, #21 (August 1977), 60-62. The generalized and specialized argument issue was drawn from Richard D. Rieke and Malcolm O. Sillars, *Argumentation and the Decision Making Process* (New York: Wiley, 1975), p. 2.

[31] B. W. Hope and Judith C. Hale, "The Introduction to the Contest Oration: Is it "Speech" or "Declamation"?, *Journal of the American Forensic Association*, 9 (Winter 1973), 368.

[32] *Ibid.*, 370.

[33] *Ibid.*, 367.

PREDOMINANT FORMS OF ARGUMENT IN INDIVIDUAL EVENTS

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INTRODUCTION

Competitive forensic contests in both debate and individual events are based on the assumption that extra-curricular speech activities are an extension of our classroom instruction, and that tournament participation permits our students the opportunity to practice and improve their rhetorical skills. In an ideal sense, the tournament assists in the accomplishment of many of the aims of forensics such as providing practical training in the subordination and synthesizing of ideas from a variety of sources, training in analysis of data, and practice in organizing and casting language into argumentative forms in practical speech settings. Unfortunately, many of the individual event tournament speeches fall far short of being model illustrations of cogent argumentation. For example, at many of the small local tournaments it is not unusual to hear persuasive speeches where a single quotation from one expert is the only proof supporting a claim statement. Frequently competitors use single illustrations rather than a careful selection of factual evidence and motive appeal to produce a well-worded product. Too often competitors rely on isolated instances, inadequate causal reasoning, or vague generalized solutions while other speakers employ a noisy emotional style in order to cover up the lack of clear thinking.

One possible explanation for the weak speeches we hear at tournaments might be due to the rapid growth of individual events. During the past decade the number of speech tournaments offering competition in individual events has increased dramatically. Likewise, the variety and number of individual events sponsored at tournaments continues in an upward spiral. No longer are our students offered just a few rounds of extemporaneous speaking or oratory. They can now enter numerous individual events including speech-to-entertain, informative speaking, communication analysis, and a plethora of oral interpretation events. A partial explanation for the increase in the numbers and frequencies of offerings of individual events can be directly attributed to the sponsorship by the National Forensic Association and the American Forensic Association of two separate national tournaments. The NFA sponsors nine different individual events at its national tournament and the AFA-NIET offers ten individual events for the competitor.

Even though there has been an increase in the number and frequency of individual event offerings at forensic tournaments the literature on the use of argumentation in individual events is almost nil. Coaches and forensic experts have not taken the time to think out the argumentation dimensions related to individual events like they have in the field of debate. Therefore, it seems very appropriate that a portion of this conference is devoted to an investigation of the argumentative practices of individual events.

Early researchers studying individual events generally focused their efforts on either the contest oratory or on the extemporaneous speech. West,[1] Gunnison,[2] Willis,[3] Golden,[4] and Hope and Hale[5] each wrote on the techniques of preparing a quality oration. Dennis[6] discussed the need to insure a just decision in oratorical contests, while Hollister,[7] and Fest[8] detailed the common faults in college orations.

Authors studying the extemporaneous speaking contest have addressed similar pedagogical issues. Dedmond[9] recognized the potential value of practicing the extemporaneous method but felt competitive extempore, as presently conducted, had limited educational value. Arriving at a similar conclusion, McCrery claimed that the educational values of extemporaneous speaking were "more potential than actual" at least as the activity is now conducted.[10] Lastly, Kruger[11] outlined and evaluated some of the stylistic and organizational principles and strategies employed by the best extemporaneous speakers.

These authors made valuable suggestions for improving our contest speaking events and it seems useful to continue their spirit of inquiry by renewing our investigation in individual events.

The topic for this paper is "What are the predominant forms of argument used in individual events." Freeley, adopting the National Developmental Conference on Forensics definition, defined argumentation as "reason giving in communicative situations by people whose purpose is the justification of acts, beliefs, attitudes, and values."[12] Since argumentation refers to justification through some type of reasoning process then form simply refers to the means by which an argument is dressed. Form is best defined by Kenneth Burke in Counter-Statement: "A work has form insofar as one part of it leads a reader to anticipate another part, to be gratified by the sequence."[13]

Since form is not static but active, and since form can not be treated separately from content, any attempt to try to determine what are the predominant argument forms in individual events will be extremely difficult. As Karl Wallace observed: "Matter and form may be thinkable, one without the other, in a world of ideas; but in the world of sense experience, matter does not exist for us without form, and form does not exist for us without matter."[14]

In order to discover the predominant forms of arguments in individual events we completed a review of a significant number of ballots filled out on individual event competitors and we reviewed event rules from tournament announcements to determine what argument forms were preferred by critics and required by tournament hosts.

SUMMARY OF THE BALLOT REVIEW

In order to discover what argument forms are preferred by critics a content analysis of 550 ballots filled out by coaches and hired judges during the 1980-81 forensic season was conducted. By reviewing the judges comments written on the ballots we felt we were retaining the connection between form and content of the speeches being evaluated by the judges. We also believed we would better understand what constitutes the ideal argument forms in individual events. We selected ballots from six events for review: persuasive speaking, extemporaneous speaking, impromptu speaking, communication analysis, informative speaking, and speech-to-entertain. Of the 550 ballots used for review 435 ballots were collected from tournaments offering both debate and individual events in the states of California, Oregon, and Washington, and 115 ballots were completed at the 1981 American Forensic Association National Individual Events Tournament. By reviewing the ballots across the six events we hoped to discover argument forms applicable to all of the events, but in addition, we hoped to discover argument forms specific to an individual event category.

There appears to be many prevalent argument forms in individual speaking events. Some are universal (that is, they can be found in all of the speaking categories) while others tend to be event specific.[15] The universal forms will be discussed first, followed by those which are unique to certain events.

Perhaps the most common form of argument found in competitive speech is statistical proof. Statistics are most often used to support claims, establish significance, and increase impact. Typical statements of statistics would be, "According to the National Safety Council the overall national cost of highway accidents is well over 68 billion dollars," or "the American Cancer Society claims that one out of every four Americans is a smoker." The first statistic supports a claim of financial harm; the second statistic establishes the significance of the topic of cigarette smoking. Additionally, statistics are occasionally used to make direct appeals to an audience. For instance, a speaker advocating stress reduction might make the argument more applicable to the student audience by quoting statistics which reveal a high rate of stress related sickness among college populations.

Ballot comments indicate that critics like statistical proofs. Typical comments on the ballots include: "Good use of statistics;" "More statistical proof is needed;" "Statistics are well used;" and so on. There are, however, certain qualifiers used with statistical arguments. First, although time limits usually do not allow a description of the methodology which yielded the statistics, the source of the figures is most necessary. One speaker in the persuasion category claimed, "Eighty-five percent of the people who die in emergency rooms die unnecessarily." At the AFA NIET, of the 17 critics who heard the persuasive speech, no less than seven questioned the validity of the statistic. Their questions all concerned the source of the information.

Second, an overuse of statistics receives criticism. Remarks such as, "So many statistics are confusing" and "Certainly used more than 10% of content in citing statistics" were common. One astute critic even felt it was necessary to note, "Debate and oratory are different."

Third, statistics must be combined with analysis interpreting the figures for the audience. Such a lack of analysis prompted one judge to respond, "I need more analysis. . . your speech is very speaker centered and not very audience oriented."

It would appear then, that statistical forms of argument are most effective when combined with other forms of proof. One form often used to compliment the statistical form is argument by example. Examples are used to show emphasis and bring the statistics home to the audience. A persuasive speaker, criticizing the ignorance of the medical profession when treating a new strain of veneral disease, might cite as an example Dr. Smith who misdiagnosed X number of cases of the virus within a year's time. Critics seemed generally to appreciate the examples they heard, but were quick to ask "Is this typical?" or "How many other times has this occured?" when the examples were not backed by some other form of proof.

Aside from statistics, expert testimony is most often used in combination with these examples. Generally, expert testimony is a well received argument form, although, as in the case with statistics, certain qualifiers apply. First, overuse of expert testimony led critics to respond, "You almost quote too many doctors in your speech." Second, the source of the quotation must be given, with credentials if possible. Also, timing of the quote (i.e. before or after the fact) is sometimes critical. When delivering a persuasive speech advocating arbitrationover conventional legal channels, a speaker quoted two angry antagonists who argued over the settlement. One critic asked, "Do you quote the disputants after the settlement?" Third, as has already been shown, the strongest arguments result from a combination of argument forms. This notion was best extolled by a judge who wrote, "Excellent integration of authoritative opinion, examples, and statistics—the speech is very well written."

Yet, statistical proofs, examples, and expert testimony are all well known argument forms which are so common they are almost taken for granted. Our research revealed though, that other, more subtle argument forms are now being utilized by contestants and appreciated by critics.

The first of these involves the stylistic use of metaphor and analogy. Very often a unifying figure of speech will be introduced at the beginning of the speech and carried throughout. Although such an argument form does not directly back or support a

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specific claim, it is nonetheless an appreciated argument form which lends an air of sophistication to the overall presentation. Ballot comments reflect this appreciation. One speaker, alarmed at the way the elderly have been placed upon closet shelves in our society, compared them to an old watch which is tucked away and never works unless it is cared for. Ballots reflected a general liking. "Watch analogy [is] very good," "Intro works," and "Intro [is] strong" were a few. Another speaker criticizing current emergency room medical practices, compared conventional emergency wards with the operating facilities in the MASH television show. Reaction was highly positive. "Use of MASH was very effective" wrote one judge. "A notable strength [was your] continuous reference to [the] controlling MASH metaphor," claimed another. "I like the easy, natural allusions to TV shows and their characters," wrote a third. Perhaps the most adamant wrote, "I really liked your MASH intro [note I'm even writing your ballot in Army green]. It gives the listener something to relate to." Internal metaphors and analogies were equally well liked. An injured body politic was a "couth and clever" metaphor. A treadmill of disease and ignorance received rave reviews, as did other metaphorical or analogical statements.

This use of metaphor and analogy helped to promote a second subtle argument form, the use of humor. The use of humor by speakers was well liked by critics in all of the individual events. In persuasion and communication analysis humor was seen as a good way to "enliven the presentation" or "keep the audience interested." In fact, critics occasionally bemoaned the fact that too few speakers utilize humor as a rhetorical tool. It would appear that humor is a potentially powerful form of argument.

In like manner, the use of illustration as a stylistic argument form was viewed as highly effective. When illustration of a concept or argument was lacking judges were quick to respond with, "Description—illustration of these steps needs improvement," or you "need some more commentary and illustration." On the other hand, speakers who utilized illustration as a form were rewarded with, "Rhetorical theory through association [was] excellent (using the number of people in the room at the time, refering to local landmarks, and citing numbers of death per time period) all install a powerful persuasive appeal." Certainly this type of reaction indicates a solid backing for illustration as an argument form.

Four other argument forms appeared on the ballots but with less frequency than the aforementioned forms. First, judges devoted little space on their ballots to criticizing the choice of language used to develop arguments. The only comment that appeared repeatedly on language usage was the advice to avoid debate terminology (i.e. signficance, advantage, or disadvantage). Second, judges feel that competitors should show the relevance or importance of the selected speech topic to the immediate audience. Repeatedly, judges would write on the ballot, "Why do I want to know about this subject?" Third, arrangement of arguments seems to be more important to the speech-to-entertain event than the other five events investigated because the response of the audience to the humor can be damaged if the attention span of the audience wavers. Finally, on many ballots, especially the informative speaking event ballots, critics frequently requested the speakers include more hard data to fill in information gaps in their speeches. For example, one critic after hearing a speech on negative ions wanted additional data on "How fluorescent lights produce positive ions?" and "What are the physical effects of ion depletion?"

The argument forms discussed thus far are, for the most part universally applicable. That is, they can be utilized in all of the individual events. Many judges of persuasive speaking, however, looked for specific argument forms unique to persuasive appeals. These forms appeared to center around the stock issues of policy debate: inherency, significance, harms, solution, etc. They were often couched in different terminology (ill, blame, cure, cost) but they were still the same forms. The problem-solution format would seem to be the most recognized persuasive approach if the phrasing of the comments on persuasion ballots is any indication. Typical comments included, "I see you flopped harms and inherency. Oh well, they're a toss up anyhow," and "I think your inherency section could be significantly strengthened if. . .," and "Your organization is confusing. First you discuss ills, then blame, then you go back to ills." Much of this perspective is probably do to the debate training of many of the forensic critics. Still arguments formed around stock issues are an expected (and consequently a predominant) persuasive technique.

In addition to the unique argumentative form in persuasion, the ballots showed that unique argumentative forms exist in informative speaking and speech-to-entertain. Even though an informative speaker is supposed to explain a concept or a process and not persuade judges, many critics still want speakers to supply a two-sided message. The line separating informative speaking from persuasive speaking is very small. One critic felt that in a persuasive speech a speaker could use more explicit persuasive strategies while in informative speaking implicit persuasion is appropriate. Another judge saw no difference between persuasion and informative speaking and believed the "formal distinction between the two events really has no substantive value."

A difficulty with the speech-to-entertain event is that not all critics required the speaker to make a serious point. The ballots, however, do show that many judges discouraged the use of a series of one-line jokes favoring a more structured and developed speech.

In the speech-to-entertain event, adapting the humor of the speech to the audience appears to be an important rhetorical form. Critics do not like "in house" forensic humor. Any personalized form of humor seems to alienate the critic if he or she is not familar with the inside jokes. Critics prefer humor of a more general nature. For example, one competitor involved the audience in his speech-to-entertain by employing a pun on classical scholarship and making light of the poor usage of visual aids in expository speaking. The competitor stated: "All experienced competitors are aware of the fact that expository speaking has been a forensic event since visual aids were invented by the famous Greek rhetorician Mediocrates."

Based on the ballot review the predominant argument forms in individual events are representative of the general classifications of arguments forms found in basic logic textbooks. Arguments employing statistical proof, expert testimony, and example are used by speakers in all of the six events investigated. Frequently the arguments forms are combined to compliment and strengthen each other. In the area of style, the use of analogy and metaphor, although not frequently used by speakers, is appreciated and encouraged by the critics. In addition, judges commented on the importance of language of arguments, topic justification for the audience, arrangement of arguments, and the need to fully complete an argument

The argument forms related to a specific event were less observable in the ballot review. Persuasive speaking employs the stock issues form of argument; expository forms sometimes are difficult to distinguish from persuasive forms; and in speech-to-entertain the critics favored a well developed humorous speech avoiding inside jokes.

REVIEW OF THE EVENT DESCRIPTIONS

When seeking to uncover predominant argument forms in individual speaking events we must not overlook that aspect of the tournament announcement which distinquishes one event category from the next, the description of events. As anyone who has had even the slightest bit of forensic exposure can attest, event descriptions can be helpful, confusing, original, deceptive, or even entertaining. In terms of argument formation, one never knows what to expect. Three research questions guide this portion of our research. Are the event descriptions as helpful as they could be? What parameters, if any, are placed upon argument forms through the event descriptions? Do event descriptions vary from one tournament to the next?

In order to answer these questions a sample of 24 tournament announcements from the 1980-81 academic year was collected. The sample included event descriptions from three national tournament (NFA, AFA, and Pi Kappa Delta), the remainder of the tournaments were conducted in the Western States area. Although the sample reflects an obvious regional bias, our conclusion should hold nationwide due to both the similarities between the national tournament rules and those of the local tournament and the lack of variance in event descriptions among local tournaments.

It must first be noted that most of the event descriptions fail to make any reference to argument forms whatsoever. In fact, some descriptions fail even to state the purpose of the speech within a given category. For example, one tournament announcement describes oratory as follows: "Ten minute maximum. All orations must be the original work of the contestant and must not have been delivered in competition prior to September 1980. No more than 10% of the speech may be quoted material. Speech may be delivered from notes. Manuscripts must be available for examination by the judge and tournament officials upon request. Oratory conflicts with Impromptu. Novice and Junior Divisions." The lack of a stated purpose is not the result of an assumption on the part of the tournament staff that contestants already know the purpose of the event. Two paragraphs down the page the description of expository explicitly states, "The purpose of expository [informative] speaking is to describe, clarify, explain and/or define an object, idea, concept, or process." This is not a solitary example. Other tournament announcements in the sample also failed to state the purpose of certain speeches.

Failure to state the purpose of speeches within a category has one obvious result: it leaves the choice of what is or is not acceptable to the contestants and the judges. The worth of such a policy is highly debatable. Certainly the lack of a stated purpose enhances neither the choice of argument forms nor the estimation of the parameters of those forms. Just as no legality binds, no legality guides.

Of course, most event descriptions do include a statement of the purpose of speeches within a certain category. However, as far as helping argument formation and determining parameters is concerned, event descriptions can still be found wanting.

By far the worst descriptions, by these terms, are those for the extemporaneous and impromptu categories. In every tournament announcement in the sample both extemp and impromptu descriptions appeared to address but two concerns. The first concern is procedure. Details involving preparation time, speaking time, staggering of topic postings, and the role of notes were common procedural interests. The second concern was topic selection. Such issues as national or international, one word abstracts or proverbs, and the use of U.S. News or Time were often resolved. Yet beyond these concerns involving procedure and topic selection, the event descriptions offered little in the way of guidelines as to what the speaker should or should not do. Consequently, the speakers at a given tournament have no explicit instructions as to what are appropriate argument forms beforehand. Even after the topics are distributed at the tournament the choice of proper argument formation is left in the hands of the contestant.

It can be argued that this is as it should be. Is not part of the purpose of both extemp and impromptu to teach the speaker to formulate thought patterns within a minimal period of time? Of course it is. Nonetheless, it can be safely concluded that, whether for good or for ill, the event descriptions of both extemporaneous and impromptu speaking offer no parameters and no guidelines for argument formation.

In the persuasion and expository categories the situation is somewhat different. Aside from the aforementioned oratory description, most event descriptions delineated a clear, concise purpose for each type of speech. One description of persuasion required that the speaker attempt "to move toward action or arouse the emotion of an audience." Still others must "persuade an audience to think, act, or believe in a particular way," while others that attempt to "alert the audience" or "convince an audience to accept an idea or adopt a policy of action."

Expository descriptions, while not as explicit as those of persuasion, did at least express some sort of purpose. The description of expository cited earlier was one of the more in depth descriptions in the sample. Another description of some depth read: "An original informative speech on a worthwhile topic which gives careful attention to description, explanations, illustration, and definition." Others tended to be more simplistic: "Ten minute presentation of an informational nature;" or "An informative speech—with or without visual aids—which is intended to instruct the audience."

Clearly in the case of both persuasion and expository speaking the statement of the speeches purpose helped the contestant to formulate arguments. The arguments best suited for the topic, the speaker, and the purpose of the speech are those which ought to have been utilized. Parameters were, thereby, established and guidelines set. Yet in the case of persuasion and expository, these parameters and guidelines were occasionally enhanced by event descriptions which detailed what specifically was or was not acceptable. One tournament announcment clarified expository speaking in this way: "The intent must be to communicate information, not to modify the beliefs, behavior, attitudes or values of the listeners." In like manner, the rules of another tournament noted that in persuasive speaking a "Problem-solution format need not be utilized."

Both examples helped to map the speaker's argumentative itinerary by detailing what was or was not appropriate. Hence, a student entered in the expository speaking contest would have been wise to tone down any potentially persuasive elements of his/her speech. Likewise a student entered in persuasion could have considered a speech with an inspirational bent as opposed to the problem-solution format.

Perhaps the most detailed descriptions, however, were found in the categories of communication analysis and speech-to-entertain. Communication analysis descriptions often mandated that arguments be formed around a "legitimate critical methodology." Furthermore, the methodology generally must be applied "to a communication event, such as a speech, speaker, movement, poem, poster, campaigns, etc." The AFA NIET rules even go so far as to require the speech to pay "Primary attention to analysis (an explanation of why and how the event is significant) and lesser attention to description (an attack or defense of the event)." Such a focused event description narrows the speaker's argumentative field of choice by mandating certain forms and frowning upon others. Certainly these descriptions set guidelines for the creation of argumentative forms.

Speech-to-entertain descriptions were for the most part, similarly detailed. Yet, due to the variance within the event from tournament to tournament the parameters and guidelines for argument forms were constantly changing. Descriptions ranged from an "original speech designed to entertain the audience," to the National Forensic Association's, "An original speech whose purpose is to make a serious point through the use of humor. Should not be a string of jokes but an organized developed speech." The parameters around argument forms were intermittently tightened and relaxed from contest to contest, conceivably demanding a shift in rhetorical strategy.

The variance in event descriptions found in speech-to-entertain from tournament to tournament was much greater than in any other event. Extemp and impromptu saw the least change and the most freedom of choice where forms of argument were concerned. Persuasion and expository speaking showed less variation in rules and a more restricted choice of argument forms. Hence, the argument forms utilized in these events probably are more predictable than those in extemp and impromptu. Communication analysis displayed the least variation in both parameters and guidelines.

Event descriptions then, appear to have a potential for molding argument forms in individual events. This potential is not always utilized, nor is it apparent in all individual events. Still, it is possible that the parameters and the guidelines established by event descriptions help to determine argument forms.

SUGGESTIONS FOR IMPROVEMENT

The adoption of the following suggestions might fosture an improved climate for the preparation and delivery of better structured arguments in individual events.

(1) Tournament hosts need to refine event descriptions so that the purpose and objectives of the event are clear to both the competitor and the critic. Vague event rules muddle and confuse participants hurting the quality of the arguments employed in a speech. We are not advocating that event descriptions be standardized, but that event descriptions for each tournament contain a clear purpose statement and specified rules.

(2) There needs to be a stronger connection between forensic contest speeches and the actual public speaking situations students are likely to experience in real-life. In real-life a speaker seldom draws a national topic, outlines a speech, and then delivers the speech 30 minutes later. It is also highly unlikely that a speaker will memorize a persuasive speech on a serious social problem and propose a means of correcting the evil—all within a ten minute time limit. Sponsors of forensic tournaments could simulate more practical speaking situations. Part of a persuasive event description might read: "Pretend you are a committed member of a major political party and you have been asked to canvas your neighborhood in support of the candidate running for the House of Representatives from your district. Prepare a speech that you might use to convince a neighbor that your candidate should be elected." Some tournaments in the midwest are already experimenting with this format in impromptu speaking. We

realize it would be hard to get students to write new speeches for every tournament but we feel that the simulation of real-life situations enhances the educational value of forensics for the student. Your regional league tournament might be the appropriate place to initiate this change. The Northern California Forensic Association sponsors an annual innovative tournament every spring following the completition of all the national tournaments. Other leagues might also try to designate a single tournament in their forensic calendar for innovation in individual events.

(3) Event descriptions should not be so static from tournament to tournament but should offer the competitor a greater variety of purposes. A persuasive speech does not always have to follow a problem-solution organization form, instead speeches of praise or blame could be required, or a speech supporting a value proposition. On the other hand, an informative event description might specify the form of explanation that must be used in the development of an expository speech. For example, a speaker might be required to show how a thing is related to or depends upon other things outside of itself through a comparison and contrast format. We do not necessarily need new events but a re-creation and more variation of our event purposes.

(4) The teaching of audience adaptation is a critical educational goal of forensics but the tournament contest in individual events offers limited opportunity for the competitor to adapt arguments. The competitors might adjust to the requirements of the immediate situation or they might adapt to the taste of the critic judging the contest. But these experiences are insufficient to properly teach students how argumentative forms vary depending on the type of audience addressed. Any attempt to vary the types of audience addressed at tournaments should be encouraged. Even simulating different audiences would provide a greater opportunity for students to understand and practice audience adaptation.

(5) Judges of individual events should be skilled in the rules of sound argumentation. In our review of the ballots we discovered that the judges who had a strong background in debate or argumentation were better able to give constructive comments criticizing the reasoning employed by the speakers. Stated simply, our students improve their skill in constructing forms of reasoning through the comments on the ballots. A person untrained in the dimensions of argumentation simply makes a less effective evaluator.

(6) The individual event ballot where the judge circles the ranking and rating for the contestant and then is free to write open ended comments is a poor means of soliciting critical comments on the use of reasoning by our students. The critics criteria for making a judgment is frequently left ambiguous. Blindly the competitors fire into the dark with the judge deciding which speaker hits the bull's eye. If we desire constructive criticism on reasoning for our students, then a ballot which asks the critic to comment on the use of evidence, methods of reasoning, and argument forms would be

in order.

We view our investigation as a preliminary study, more to spark interest in continuing research in the type of argument forms used in individual events, than to offer definite conclusions. We feel that it is time that forensic educators take the time to study argumentation in individual events.

ENDNOTES

[1] Robert West, "Qualities of Contest Orations," Quarterly Journal of Speech, 5 (May, 1919), 258-265.

[2] Binney Gunnison, "Imagination in Oratory," Quarterly Journal of Speech, 1 (July, 1915), 144-153; Binney Gunnison, "Oratoric Action," Quarterly Journal of Speech, 6 (November, 1920), 24-30.

[3] Edgar E. Willis, "College Orations Old and New," Central States Speech Journal, 6 (Spring, 1956), 13-20.

[4] James L. Golden, "Achieving Excellence in the College Oration," Speech Teacher, 14 (September, 1965), 184-192.

[5] B.W. Hope and Judith C. Hale, "The Introduction to the Contest Oration: Is it 'Speech' or 'Declamation'?" Journal of the American Forensic Association, 9 (Winter, 1973), 367-370.

[6] R. B. Dennis, "The Oratorical Contest--A Shot in the Dark," Quarterly Journal of Speech, 2 (January, 1916), 26-30.

[7] R. D. Hollister, "Common Faults in College Orations," Quarterly Journal of Speech, 4 (May, 1918), 311-323.

[8] Thorrel B. Fest, "The Vanishing College Orator?" Quarterly Journal of Speech, 29 (February, 1943), 45-48.

[9] Donald N. Dedmond, "The Extemporaneous Method and Speech Contests," Central States Speech Journal, 15 (November, 1964), 279-283.

[10] Lester Lyle McCrery, "Educational Aims and Dilemmas of the Extempore Speech Contest," Western Speech, 16 (October, 1952), 238.

[11] Arthur N. Kruger, "The Extempore Speaking Contest," Speech Teacher, 5 (September, 1956), 214-222.

[12] Austin J. Freeley, Argumentation and Debate: Reasoned Decision Making, 5th ed. (Belmont, CA: Wadsworth, 1981), p. 1. Also see James H. McBath, ed., Forensics as Communication, (Skokie, Ill.: National Textbook Co., 1975), p. 11.

[13] Kenneth Burke, Counter-Statement, (Berkeley, CA: University of California Press, 1968), p. 124. First published in 1931.

[14] Karl R. Wallace, Understanding Discourse, (Baton Rouge: Louisiana State University Press, 1970), p. 29.

[15] For a discussion of forms of argument see Douglas Ehninger and Wayne Brockriede, Decision by Debate, (New York: Dodd, Mead and Company, 1971), pp. 125-167.

EVIDENTIARY CONCERNS IN THE COMMUNITY OF INDIVIDUAL EVENTS

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Like ships passing in the night! So proceeds the philosophical inquiry into argumentation and the practice of individual speaking events. The scholars--occupants of the professorial chairs in the great research departments of the discipline--churn forth treatise upon treatise which they claim offer a "constructivist-interactionist, non-positivistic, non-relatavistic, non-absolutist" etc., etc., "Theory of Argument" (or more precisely, the foundations for such a theory). Meanwhile, the forensics educators--occupants of directorships in the great forensic programs once considered integral to the discipline--rely upon time-tested communication/argumentation/persuasion principles in their efforts to produce national champions. Both scholar and educator desire to assess and impart knowledge. Unfortunately, the similarity often ends here.

This essay is about evidentiary concerns in individual speaking events. The traditional approach to such a subject has been to decry the poor practices of evidence usage at speech tournaments and to call for judges to emphasize evidence within their evaluation/criticism scheme. I will refrain from such an approach. Rather, I will place my concerns with evidence usage within the context of an overall schism between scholar and educator. First, I present four assumptions which will be used as a framework for evaluating the concept of evidence in individual events. Second, I review the treatment of evidence within two communities: (1) forensics educators and practitioners of individual speaking events, and (2) proponents of the newly emerging view of argumentation. Third, I offer several suggestions for more closely connecting theory and practice. Overall, I argue for rapprochement between scholar and educator.

Presuppositional/Assumptive Issues

Discussion of evidence rarely occurs in a vacuum. Instead, with the possible exception of formal logic, rules of evidence derive from and are applied to a particular community. Thus we find formalized "rules of evidence" in the field of law which are implemented at trials, accepted verification procedures within several physical sciences which are used to evaluate research, and even an "evidence code" for academic debate which is applied by judges and competitors. The legitimacy of the community-based approach to evidence is addressed later in this essay. For now, it is important to develop several assumptions which are useful in providing a context for understanding the role of evidence within individual events.

Assumption One: Forensics is deeply concerned with pedagogy

Support for the linkage of forensics and pedagogy is pervasive. Historically and contemporarily, forensics is concerned with instruction. The education of the citizen-orator in classical times emphasized principles of forensics. The literary and debating societies of colonial America emphasized forensic education. Modern directing forensics texts treat forensics as an important segment of speech pedagogy. McBath, in the foreword to Coaching and Directing Forensics, identifies the centrality of pedagogy: "The forensics director is viewed as an educator. . . ."[1] Faules, Rieke, and Rhodes use "pedagogical movements" to organize their historical sketch of speech activities.[2] Many departments of Speech Communication place forensics within the Communication Education or Speech Pedagogy subdivisions. Several participants of the National Developmental Conference on Forensics identified pedagogy as our central concern. For example, Keele and Andersen write:

> Forensics is an educational activity and its goals and objectives must be defined accordingly. Concommitantly, the director of forensics is an educator and must be evaluated accordingly.[3]

Finally, recommendation eleven (Future Goals and Roles) of the conference indicates that the primary role of the forensics educator is as teacher:

> Conferees recognized that educators in forensics, like their colleagues in all fields, play many significant roles. But, the raison d'etre for the educational process, now as in classical times, is the mutual teaching-learning relationship that exists between student and teacher. Other roles have developed over time as auxiliary to this relationship. Accordingly, the primary function of the forensics educator is to teach students--to help them develop skills, to cultivate high ethical and scholarly standards, and to establish a climate in which students have an exciting and enjoyable intellectual and social experience. The general goal of the teaching mission is to make people more proficient in argumentation, both while they are students and after.[4]

It may seem that I have devoted entirely too much time developing and supporting a self-evident position. However, the implications of this assumption are often ignored. Consider how little material has been published during the last several years evaluating instructional strategies in forensics.

Two implications merit particular attention. First, since forensics is rooted in pedagogy, we must as teachers and scholars do more than simply describe phenomenon. We must instruct. Applying this implication to evidence, we must instruct students so that they understand the use of evidence in argument. Second, we must be concerned with improving the process of communication and argumentation. It is not enough for a teacher of forensics to tell his or her students how evidence is used in legislative argument or in everyday discourse. The teacher has a critical function as well. In addition to the "is" question, the educator must also be concerned with the "should" question.

Assumption Two: The subject matter of our pedagogy is rooted in theory

Faules, Rieke, and Rhodes write: "Pedagogy is generated by theory, and theory comes from a philosophy which is grounded in certain values."[5] Again, the claim may appear trivial if we ignore its implications. This claim reveals the nonsense that inheres in the schism between scholar and educator. Since the subject of our pedagogy develops from theory, we must be concerned with that theory.

Assumption Three: Forensics educators today face a crisis in deciding what "theory" to teach

Gronbeck presented what should be viewed as a brilliant keynote address at the 1979 Summer Conference on Argumentation. He depicts what it is like for the teacher who carefully observes the debate within argumentation theory:

> The traditional theory of argumentation has been successively buffeted by psychologism, phenomenology, dramatism, humanism, and, now, constructivism--poeticizing our vision of what we are about.
>
> As a result, I think, we have been left in a state of manic depression. On the one hand, we are fascinated by new claims that rhetoric and argumentation are what makes society and human relations possible at all, by our newfound ability to deal with what Cicero termed *argumentato* rather than mere *argumenti*, and by our warm affinity for scholars in fields other than logic or history. Yet, on the other hand, we are occasionally driven to the depths or despair in the knowledge that our old machinery for arguing and speaking is no longer applicable. If intersubjective standards for validity and truth are embraced, then we must abandon old appeals to logic and externalized criteria-of-judgment. The new rationality may be, to some, a rule-governed system, but those systems are context--or even person--determined, and hence we continually must begin anew, constructing systems of evidence and proof context by context. We must live with Gerry Philipsen in Teamsterville, and follow along when Charles Willard sings the praises of contextual analysis. Given that we are surrounded with a near infinite number of contexts, we are liable to go crazy examining the argumentative rules governing science, law, south Chicago, and used car lots. No wonder we suffer manic depression when pondering current theories of argumentation.[6]

The educator is especially vulnerable to this manic depression. Consider our plight. Students are in our offices today seeking to become more proficient arguers. We do not have the luxury of saying our study of argumentation is in its infancy and we must await more study before we teach. Despite the crisis in theory, we must continue to teach.

The difficulty of deciding what to teach is especially apparent in the case of evidence usage. We could continue to teach the principles of evidence posited in standard argumentation texts. However, this opens us up to attack by those who today are in the forefront of argumentation theory. For the most part, the classic teaching of evidence principles is rejected by the new school because of the reliance upon a priori principles and because of the "thingness" ascribed to evidence.[7] Yet, the theorists have provided very little to replace the classic principles (at least so far).

Assumption Four: Forensics must be grounded in adaptive(1), normative(2) theories which emphasize synthesis(3) and promote rationality(4)

If my guess is correct, assumptions one through three will not have triggered extensive disagreement. Assumption four is presented with the full understanding that it will be rejected by many.

Assumption four is deeply rooted in democratic theory. It depicts a world in which a premium is placed upon the free flow of information. The information is carefully scrutinized by human actors in an effort to reach the best of decisions. The starting point of argument and argumentation in such an idealized world is data (consisting of premises and evidence[8]). Disagreements are settled by careful debate rather than by force or walking away in a huff. When debate is unable to produce decision within the time constraints imposed by the situation, majority rule takes over. In short, assumption four posits that forensics, as a subset of argumentation theory, is more concerned with visualizing and teaching argument as it should be practiced rather than describing argument as it is practiced.

Four terms are critical to understanding the implications of assumption four. The term that is most problematic is "rationality(4)." Rationality as a meaningful concept has lost favor in the discipline. Cox and Willard, in their introduction to a series of essays describing advances in argumentation theory, write:

> It is remarkable, given the historical importance of the rationality notion to argumentation, how little it gets explicitly discussed in these essays. This reflects several developments. It reflects, e.g., the general rejection of a priorism and the logical principles attendant to it. The theorists who used "rationality" to name demonstrative reasoning were forced, over time, to so narrow the range of questions that could be called "rational" that the term lost its usefulness to students of ordinary utterance. . . . Within philosophy there emerged more expansive views of rationality, some equating it with "reason-giving" without regard to evaluations of the reasons, others equating it with consistent reasoning--again without regard to the content of the reasoning per se. Willard . . . calls this a "trivialization of rationality" because (a) rationality becomes a

> redundant word standing for the effects of some other concept (like consistency or reason-giving) and (b) rationality has no particular results, i.e., consistency or reason-based claims are as apt to be evil, foolish, or unjust as they are to be the opposites of these. Rationality, for whatever reason, does seldom appear in the essays here; perhaps its trivialization is the reason.[9]

Similarly, the term "normative(2)," especially the normative theories espoused in argumentation texts, has come under considerable attack. Writing directly about evidence, Willard argues:

> The evidence issue is merely a significant skirmish in the broader battle for defining the place of logic in practical reasoning. It is significant because it points the way toward the broader dispute's resolution. My argument here is that the exclusively normative content of the domain's textbooks points to a fundamental deficiency, viz, the lack of a carefully defined descriptive base for normative principles.[10]

Such claims about rationality and normative theorizing should cause forensics educators to wince. Forensics education is deeply rooted in rationalism and normative theory. The principles of evidence identified in many argumentation texts are also tied to rationality and normative theory. In turn, rationality and normative principles may be rooted in a particular vision of democracy.

I advance two arguments in favor of continuing with the allegiance to rationality and normativism. These arguments do not reflect a rejection of naturalistic research or a cry against argumentation theory based upon interactionism (although Willard argues that "card-carrying rationalists" do reject such research[11]). Rather, my arguments reflect a view that forensics educators, as expert evaluators of argument, can and should make claims as to what constitutes "good argument" and "superior, sound" evidence.

Argument one takes the form of analogy. The student of tennis seeks to become the best player s/he can. To accomplish this, s/he studies tennis. The student has a variety of options available: (1) indiscriminately observing tennis games, (2) studying naive players batting balls back and forth with rackets, and (3) observing tennis at its best, as determined by the recognized experts in tennis. Choice one is irrational/illogical for two reasons. First, the risk is great that "good" or "instructive" tennis will not be encountered. Second, even if it were encountered, the student would lack the standards by which to determine that it is good. Choice two suffers from the same problems. Choice three represents the most reasonable course of action. Here, standards are established by experts, thereby diminishing risk. The student of forensics, like the tennis student, seeks the best. Similarly, the forensics educator, like the tennis expert, is in the best position to articulate standards of "good."

The second argument is an indictment. Willard, and others calling for the rejection of normative theories of argument, correctly identifies the limitations of such approaches in describing argument in naturalistic settings. Certainly there is a need to better understand argument in conversation and in other fields. However, this need does not constitute a reason to reject the arguments of those advocating and defending normative standards. At best, it calls upon authors of argumentation texts to exercise greater care in their writings and to avoid claims which suggest their normative standards are useful in understanding everyday discourse.

There is a hidden agenda in my "standards" argument. I share with authors of argumentation texts what Willard refers to as "academic conceit":

> We cannot understand the effects of evidence without understanding these theories of evidence. Further, it is little more than academic conceit to presuppose the superiority of any body of standards until it is convincingly demonstrated that naive theories are somehow inferior. This cannot be done until a convincing picture is drawn of their character and effects.[12]

I read this statement as claiming that convincing demonstration of the inferiority of naive theories is not extant. What constitutes "convincing demonstration" is not clarified. Are we to assume that demonstration is possible only through the research methods shared by the proponents of the new view of argumentation theory? If so, then both sides may be guilty of academic conceit. Further, and more importantly, authors of several argumentation texts spend considerable time justifying the "rationality-centered" or "logic-based" approach. There is very little reason to believe that these authors presuppose superiority. Instead, they present arguments justifying the superiority. Example upon example is given claiming to establish the wisdom of societal and individual argumentation based upon reason.[13] A more specific refutation of these arguments is needed before we should assent to abandoning the "rational" approach.

Two additional terms from the assumption need explanation: adaptive(1) and synthesis(3). The "adaptive" aspect of the assumption is premised upon the idea that forensics, rooted in pedagogy, requires educators have something to teach. We cannot wait for the new "Theory." However, we must also be ready and willing to integrate new ideas into our teaching. We must also be ready to admit our old systems are wrong when we can no longer defend them. In this sense, we must be adaptive. Similarly, we must continue to rely upon synthesis. Forensics education is inherently eclectic. We rely upon many disciplines to gather the "stuff" that we teach.

The four assumptions constitute my starting point for examining evidentiary concerns within the community of individual events. I argue that these assumptions should be used as the base for evaluating theories of evidence. The assumptions also highlight the tension between theory, teaching, and practice.

Treatment of Evidence Within Two Communities[14]

This section examines the manner in which evidence is considered within two communities. First, evidence is considered from the perspective of individual speaking events. The attitudes of the community are tapped by examining position statements, texts, critiques, and speeches. Second, evidence is considered within the perspective of the newly emerging view of argumentation theory.

Evidence in the community of individual events

Evidence, or more precisely, data, refers to the materials used by advocates to support arguments. Such supporting materials normally involve definitions, examples, facts, opinions, comparisons, contrasts,[15] authoritative statements, statistics,[16] perceptual premises, value premises, and physical objects.[17] In short, evidence goes beyond "thingness" and enters the arena of belief. Ehninger and Brockriede argue for such a conceptual approach:

> People usually construe evidence as very concrete kinds of materials--quotations, statistics, and the like. We define it more broadly as any belief which, when accepted, can lead to the endorsement of another belief or of a policy. A major contention in a debate, for example, functions as evidence in the unit of proof asking for acceptance or rejection of the proposition. . . . Evidence, like a claim, can aid either in the establishment of an abstract principle or in the solution of a concrete problem. Like a claim, evidence can be put affirmatively or negatively, can take the form of discursive discourse or nondiscursive symbols, and can be stated explicitly or be implied.[18]

The "theory" of evidence currently dominating the pedagogy and practice of individual speaking events appears to be based upon a synthesis of concepts from classical argumentation theory and applied persuasion research. Classical argumentation theory subscribes to the concept of "rationality,"--rooted in the logical approach. For example, Klopf and Rives, in Individual Speaking Contests, write:

> The effective contestant is rational. For the contest, the principle of rationality requires that the speaker be primarily concerned with using sound supporting material to develop logical positions. The speaker, in other words, must use factual and expert opinion evidence as well as valid reasoning in his speeches.[19]

Similarly, recommendation seven (Future Goals and Roles) of the National Developmental Conference asserts that debate and individual events "has a social responsibility to promote rational decision making. . . ."[20]

A perusal of major texts within the field show how the rational/logical approach is applied to evidence. Anderson and Andersen claim the following generalizations characterize texts of the '50s and '60s:

> (1) It is preferable to use logical appeals. . . . One should avoid excessive emotional appeals.
> (2) An audience is more likely to be convinced by logically valid than logically invalid arguments.
> (3) Assertions in a message should be supported with evidence.
> (4) The evidence used to support assertion and/or conclusions must meet the tests of good evidence, i.e., it must be recent, reliable, consistent, etc.[21]

The position papers and texts of the '70s continue the logical/rational tradition with a few important exceptions. The newer view introduces a more audience centered concept of rationality. For example, recommendation twenty-four (Theory and Practice) of the National Developmental Conference presupposes the vital role of evidence in this view: "Evidence should be evaluated not by its quantity but by its quality, determined in part by its credibility and audience acceptability."[22] The continuing concern for rationalism/logic is revealed in the discussion of recommendation twenty-four:

> In general, the conferees believed that standards of source credibility and audience acceptability ought to be applied in evaluating evidence. A number of participants, however, objected to this orientation. Some dissenters rejected the criterion of audience acceptability, while others thought that the audience should be defined exclusively in terms of "the rational man."[23]

The introduction of the audience dimension seems to derive from the practical persuasion studies of the '60s. These studies tested many of the normative statements concerning evidence usage by applying the principles to audiences. Not surprisingly, it was found that the adherence to normative principles did not necessarily increase the "success" of the advocate. Anderson and Andersen summarize the results:

> (1) Although weak in conceptual and operational procedures, research indicates that a logical message is not more effective than an emotional message.
> (2) Receiver's reactions to logical arguments are influenced by the nature of the argument, the context of the argument, and the characteristics of the receiver.
> (3) Evidence appears to increase the persuasive effect of a low ethos source but produces no comparable effect for a high credibility communicator.
> (4) While research has often failed to confirm the importance of "good" quality evidence, it appears that, in terms of opinion statements, auditors are more influenced by reluctant than biased statements.
> (5) The impact of reasoning and evidence in a message is likely to be conditioned by the attitudes, personality traits, and knowledge of the receiver.[24]

Despite the audience dimension however, the texts continue to make normative claims, teaching students what good evidence is and how it should be tested.

Critics and participants in individual events appear to abide by many of the normative evidence standards that derive from the logical/rational approach. Although broad scale investigations of evidence use within individual events have not been discovered by this author, a preliminary investigation reveals that judges of public speaking events regularly comment upon evidence usage by contestants.[25] Predominant criticisms include: (1) the failure to identify sources, (2) the failure to qualify sources, (3) the failure to use credible evidence, (4) neglecting to place evidence within a context, (5) the use of biased evidence, (6) the failure to consider or address opposing evidence, (7) the use of "unbelievable" evidence, and (8) the failure to support opinions with evidence. A review of ballots in the interpretation events reveal far fewer comments about evidence, although some comments do reveal some concern. For example, several judges wrote that the interpreters' introductions did little to reveal the basis for a particular interpretation. Other judges, commenting upon interp introductions which relied upon statements by literary analysts, questioned why a particular analyst's view should be accepted.

A review of tournament speeches provides some support for the view that contestants too subscribe to the rational/logical approach to evidence. For example, most speakers in the final rounds of extemp at the NFA and AFA national individual events tournaments carefully documented and qualified sources of information as well as identified the premises upon which their arguments were based and the support for these premises. Similarly, reading the oration texts from the 1979 and 1980 Interstate Oratorical Association contests demonstrate that the speakers exercised care in including evidence, especially when documenting the existence of a problem.[26] Several of the orations do reveal inattention to providing specific evidence on solutions and the consideration of opposing evidence.

The practices of contestants and judges in individual speaking events obviously needs more investigation. Based on the evidence at hand however, it appears reasonable to describe the concept of evidence in individual events as based in the normative/logical mode. The tests of evidence commonly employed are those found in most basic argumentation, debate, and public speaking texts.

Evidence in the community of contemporary scholars

The second community examined is composed of the contemporary argumentation scholars whose writings dominate our journals. A perusal of recent journal articles and convention papers in argumentation demonstrate a declining concern for the concept of evidence, especially as evidence is viewed in forensics pedagogy.[27] Although the subject matter of the essays are varied (interactionist approaches, reformulations of argument, discourse analysis, constructivism, fields, etc.), they demonstrate an abandonment of prescription. Cox and Willard, writing about the "field of argumentation," write:

> The writings of Toulmin, Perelman and Olbrechts-Tyteca, and such American rhetoricians as Wallace provided a basis for reconceptualizing "argument" and the aims of argumentation theory. In the decades of the '60s and '70s, scholarship would be concerned less with prescription than with the description of argument-in-use.[28]

An excellent example of the descriptive approach applied to evidence is provided by Willard. The argument presented is that the classic treatment of evidence, rooted in the normative standard of formal logic, is terribly misleading. The classic approach "sees proof as a pathway to knowledge."[29] By studying the "real world" of argument, the way that evidence is used by naive actors, Willard claims we will advance the study of argument:

> The natural attitude has been defended here as a useful way of looking at evidence and argument. It avoids the absolutism so common to argumentation texts' discussions of evidence and guides the search for the nature of naive theories of evidence. The IMQ [Implicit Quantifier] research seems to demonstrate that naive actors are guided by implicit evidence theories. . . It is thus suggestive of the future directions of argumentation research.[30]

According to Willard, evidence usage in ordinary argument is not consistent with the principles of formal logic. Evidence is not a "thing" that arguers examine independent of the argument context or subject. Usually, evidence usage starts at the self-evident level. Willard's opening example depicts two individuals engaged in argument. A hands B a photograph of an aborted fetus in an effort to prove the proposition that abortion is murder. A states: "Alls you have to do is look at it. I don't see how you can say anything else. Unless you don't give a shit about people."[31] The picture for A is viewed as self-evident--it obviously proves that abortion is murder. However, as argument occurs, the arguers often attempt to transcend the self-evident:

> Arguments nearly always start in the natural attitude: evidence, at first, is rather naively interpreted and used. As arguments progress, however, arguers become more reflective about evidence and arguments (though I have not been able to find instances in which they appear more reflective about the interaction per se, their co-orientation with the other person). Ordinary arguers do not apparently "stop the stream" for critical reflection; they are immersed in the durée. But the co-orientation itself leads to unusually reflective talk, more strategic considerations about how evidence is to be used. I locate the reason for this in the expectation of attack. Thus, arguers do not leave the natural attitude but nonetheless behave more critically.[32]

The basis for the reorientation toward evidence does not appear to be the rules of formal logic. Rather, the arguers turn to evidence tests that inhere in their construct systems.

Willard posits early in the essay that his core claim "is that viewing evidence as a phenomenon usually confronted by actors in the natural attitude is a productive step toward generating normative principles of evidence."[33] The nature of the normative standards Willard seeks and how they would differ from the general standards of argument is obscure. Willard reviews the tests of evidence offered by Freeley[34] and points out many difficulties. For example, commenting on the standard, "Is the evidence clear?", Willard writes:

> The example is a code message; and Freeley apparently intends this standard to apply to the comprehension of the message. This implies that evidence artifacts have meaning in and of themselves. From the present perspective, comprehensibility is assumed to be a characteristic of the cognitive system in use rather than of the evidence in and of itself. Further, this standard presupposes that the evidence can be clear. Such a presupposition merits doubt: there are some subjects and contexts which are by nature unclear. . . . It is doubtful, then, that this standard can itself be warranted except with reference to someone's subjective evaluation of the possibilities in a field. From the present view, the interesting question is if fields have standards of clarity, how do they relate to the public system of judgmental and veridical standards?[35]

Numerous questions are raised by the standard Freeley defends. However, it is unclear how the reorientation posited by Willard answers these questions.

The approach to evidence taken in the community of scholars is obviously quite different from the classic treatment of evidence. Normative standards may eventually emerge, but they must wait until such time that our descriptive tools have more carefully specified how evidence is used in ordinary argument.

A Call for Rapprochement

The lengthy discussion of assumptions and the description of evidence treatment in two communities raise numerous concerns about the subject matter of forensics pedagogy. In a weak sense, the arguments of the scholars call for forensic educators to reappraise teaching and to better justify existing normative standards. In a strong sense, the arguments represent a fundamental rejection of the normative standards. The strong sense indicts the worth of forensics education as it is currently established.

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Although the schism between scholar and educator over evidence raises many concerns, I will concentrate on two: (1) Justification of current normative evidence standards, and (2) advancing normative standards.

Concern One: Justification of Current Normative Evidence Standards

The justification for continuing with normative standards was presented in the assumptions section of this paper. I will expand upon this justification by placing it within the context of the goals of forensics activities. The standard goal statement for forensics is presented by the National Developmental Conference: ". . .Forensics activities, including debate and individual events, are laboratories for helping students to understand and communicate various forms of argument more effectively in a variety of contexts with a variety of audiences."[36] This perspective indicates that forensics educators should help equip students with methods/skills applicable to a variety of argumentation contexts. In addition to this "skills" goal, many forensics educators view forensics activities as a showcase of public argument, i.e., a demonstration of the way public argument should transpire. The commitment to such a view is evidenced by such statements as "forensics should influence public affairs" and "argumentation specialists should assume more active roles as critics of public argument."[37]

Normative standards may be viewed as critical to meeting both the skills/methods goal and the showcase goal. The attacks raised concerning existing normative standards have been presented at length. Regarding evidence, the attack questions transferability of evidence standards in forensics to ordinary argumentation contexts. Restating, forensics education may equip students with evidence skills vital to excellent forensicators, but it does little to aid in other argumentation contexts.

The above argument has much merit if the normative evidence principles of evidence in forensics were taught as absolutes. Such does not appear to be the case. Instead, the standards are usually offered as guidelines which help students recognize the value of becoming more reflective about evidence. Such a guideline approach encourages what I will call, for lack of a better term, the "critical stance."[38] This critical stance is rooted in the "free flow and scrutinization of information" perspective described earlier.

Viewing normative standards of evidence within the above perspective suggests that the differences between the newly emerging view of argumentation and the forensics community are not great. The current normative standards appear similar to the "reflective talk" to which Willard refers. Hence, to the extent that normative standards in forensics encourage reflectiveness, they are transferable to ordinary argument.

Concern Two: Advancing Normative Standards

The arguments presented above defending normative standards in no way imply that we should be satisfied with the existing standards.

My second concern reflects the recognition that a need exists to refine our normative standards.

The need to refine normative standards of evidence is abundantly clear. Willard, in an article on evidence, examines the normative standards of evidence presented in Freeley's argumentation text. Willard raises many questions which the standards fail to address. For example, regarding the standard calling for a preponderance of evidence, Willard asks: "How much is enough? In what contexts? Do people actually weigh evidence, balancing claims against one another?"[39] Seeking answers to these questions is certainly one way of advancing normative standards.

There is an underlying concern here. Does the forensics laboratory as currently structured lead us in the direction of advancement? My preliminary answer is no. The reason for this answer is found in the nature of the audience which the individual eventer addresses. The nature of the audience in academic debate has undergone significant changes--ranging from the general lay audience to the more specialized hypothesis tester and policy maker. The nature of the audience in individual events is much less clear. In some ways, the I.E. audience resembles the "universal audience" advocated by Perelman and Olbrechts-Tyteca.[40] The vagueness of such a concept, especially as applied to ten different individual speaking events, makes it difficult to understand how the normative standards of evidence are transferable to other audiences. Four suggestions are offered to advance normative standards of evidence in forensics.

First, we should consider replacing the "universal audience" concept in forensics with an analogue approach. The analogue would seek to model specific individual events based upon some real world situation. For example, the analogue for extemporaneous speaking might be the press conference of the political candidate or public officeholder. For interpretation. the analogue could be found in the literary analyst addressing an English Literature conference. Informative speaking could be based upon the classroom communication model. The two events that already have a "real world" analogue are rhetorical criticism and after dinner speaking. Continuing with the universal audience approach seems to offer only vague statements regarding evidence usage. Switching to the analogue approach may result in a refinement of our normative standards of evidence.

The second suggestion calls for increased scholarship by forensics educators. Adopting the analogue approach in which forensics was modeled upon public argument would help bring scholar and educator closer together. The analogue approach would require systematic research investigating the role of evidence in the conduct of public argument. The forensics laboratory may even become a domain in which scholars could test their theories of public argument.

The third suggestion derives from my earlier argument that forensics must be adaptive. The adaptive view requires educators to carefully scrutinize the finding of scholarship and to incorporate valuable findings in the forensics laboratory. The newly emerging view of argumentation identifies interaction as an important framework. The receptiveness of the scholarly community to the interactionist framework should result in the forensics community considering the role of interaction in individual speaking events. To some extent, individual events have started to incorporate more interaction by adopting such practices as the questioning of contestants by judges. Extending such practices might well result in increasing reflectiveness about evidence. For example, a judge of oral interpretation might ask a contestant: "In the novel you read from, what basis (evidence) was there to justify your interpretation of character A as a lush?"

The fourth suggestion points to a deficiency in our normative standards of evidence. The deficiency is the lack of attention devoted to the relationship of evidence to value argument. Most of our evidence standards concentrate on concrete evidence, i.e., data which in some way is physically verifiable. Little attention is devoted to evidence which is based upon some value premise. Given the extensive concern for value argument within individual events, greater attention needs to be focused on the relationship between evidence and values.

Conclusion

The four suggestions offered in this paper are rooted in a deep concern for pedagogy and argumentation. Quite frankly, as I sit back and reflect about the world of forensics and the world of argumentation scholarship, I am a bit frightened. The schism between the practice of forensics and the pursuit of argumentation scholarship appears to be growing. This is frightening because the concern of argumentation scholars and forensics educators should be similar. Yet, there is something that frightens me even more. An example of this something is found in a recent commercial appearing on national television. President Reagan charged the Republican National Committee with the task of developing a commercial which would help generate public support for the Reagan "economic package." The Republican Party commercial is an attack on the Democratic Party response to Reagan's economic package. It pictures a young girl sitting in front of a Christmas tree with a large, wrapped box. As the girl opens the box, a voice-over talks about the fact that the Democratic response is inadequate. The child digs through the mounds of tissue paper only to find the box empty. The voice-over continues on to conclude: "Don't accept empty promises." Even using the broadest definition available, evidence is totally absent in the commercial. The commercial may well serve as an exemplar or description of public argument. But as an exemplar of good public argument? Never.

FOOTNOTES

[1] Donald W. Klopf and Carroll P. Lahman, Coaching and Directing Forensics (Skokie: National Textbook, 1967), foreword.

[2] Don F. Faules, Richard D. Rieke, and Jack Rhodes, Directing Forensics: Contest and Debate Speaking (Denver: Morton, 1978), pp. 1-31.

[3] Lucy M. Keele and Kenneth E. Andersen, "Professional Preparation, Status, and Rewards," in Forensics as Communication: The Argumentative Perspective, ed. by James H. McBath (Skokie: National Textbook, 1975), p. 154.

[4] McBath, Forensics as Communication, p. 18.

[5] Faules, Rieke, Rhodes, Directing Forensics, p. 1.

[6] Bruce E. Gronbeck, "From Argument to Argumentation: Fifteen Years of Identity Crisis," in Proceedings of the Summer Conference on Argumentation, ed. by Jack Rhodes and Sara Newell (SCA/AFA, 1980), p. 10.

[7] For an excellent summary of key arguments rejecting the a priori based approach see J. Robert Cox and Charles Arthur Willard, "The Field of Argumentation," in Advances in Argumentation Theory and Research, vol. I, ed. by Cox and Willard (in progress, 1981), pp. 1-47. A specific treatment of evidence is provided by Charles Arthur Willard, "Some Speculations About Evidence," in Rhodes and Newell, pp. 262-286.

[8] I am here using an adaption of the definition of data presented by George W. Ziegelmueller and Charles A. Dause, Argumentation: Inquiry and Advocacy (Englewood Cliffs: Prentice-Hall, 1975), pp. 48-67. "Data is the starting point of argument, the substance from which we reason. Data is to argument what a foundation is to a building. To be structurally adequate, a building must be built upon a strong foundation. To be logically adequate, argument must be built upon sound data."(p. 49) The two types of data are premises (" . . . fundamental assumptions or beliefs of an advocate or of an audience which will be accepted without external support.") and evidence (". . . source materials external to the advocate or audience which may be used to lend support or proof to a conclusion.") (p. 49).

[9] Cox and Willard, pp. 42-34. See also Charles Arthur Willard, "Würzburg Revisited: Some Reasons Why the Induction-Deduction Squabble is Irrelevant to Argumentation," in Rhodes and Newell, pp. 134-183.

[10] Willard, "Speculations About Evidence," p. 277.

[11] Ibid., p. 278.

[12] Ibid., p. 281.

[13] Texts reflecting such an approach include Ziegelmueller and Dause; Douglas Ehninger and Wayne Brockriede, *Decision By Debate*, 2nd ed. (New York: Harper & Row, 1978); Arthur N. Kruger, *Modern Debate: Its Logic and Strategy* (New York: McGraw-Hill, 1960); James H. McBurney and Glen E. Mills, *Argumentation and Debate: Techniques of a Free Society* (New York: Macmillan, 1964); and Henry Lee Ewbank and J. Jeffery Auer, *Discussion and Debate: Tools of a Democracy* (New York: Appleton-Century-Crofts, 1941).

[14] These two communities are obviously not exhaustive of the relevant writings on evidence. An excellent discussion of evidence from the perspective of philosophy is offered by William J. Edgar, *Evidence* (Lanham: University Press of America, 1980). A treatment of evidence in the classical tradition is Owen Bennet, *The Nature of Demonstrative Proof: According to the Principles of Aristotle and St. Thomas Aquinas* (Washington, D.C.: Catholic University of America Press, 1943). Evidence in Law and History is considered by Nicholas Rescher and Corey B. Joynt, "Evidence in History and in the Law," *Journal of Philosophy* 56 (June 18, 1959): 561-578. Evidence in Formal Logic is treated by Nicholas Rescher, "A Theory of Evidence," *Philosophy of Science* 26 (January 1958): 83-94. Evidence in public argument is discussed by Robert P. Newman and Dale R. Newman, *Evidence* (Boston: Houghton-Mifflin, 1969).

[15] Donald W. Klopf and Stanley G. Rives, *Individual Speaking Events* (Minneapolis: Burgess, 1967), pp. 24-30.

[16] Raymond S. Ross, *Speech Communication: Fundamentals and Practice*, 5th ed. (Englewood Cliffs: Prentice-Hall, 1980), pp. 308-311.

[17] Ziegelmueller and Dause, pp. 48-56.

[18] Ehninger and Brockriede, pp. 41-42.

[19] Klopf and Rives, p. 5.

[20] McBath, *Forensics as Communication*, p. 15.

[21] Loren J. Anderson and Kenneth E. Andersen, "Research on the Relationship of Reasoning and Evidence to Message Acceptance," paper delivered at the Speech Association of America Convention, New York, December, 1969, p. 1.

[22] McBath, p. 33.

[23] Ibid.

[24] Anderson and Andersen, p. 9.

[25] This study is in progress and conducted by Jack Kay. The preliminary findings are based upon a randomly selected sample of judge comment sheets from the 1980 and 1981 Cornhusker Forensics Tournament sponsored by the Department of Speech Communication and Cornhusker Forensics at the University of Nebraska-Lincoln. The tournament is

held in March and involves approximately seventy individual events judges from a ten state area. Competition in offered in ten individual speaking events, using the A.F.A.-N.I.E.T. rules. Approximately twenty-five percent of all comments on public speaking events' ballots identified criticism related to "data use." The eight categories listed in the text are presented in order of frequency. Only two percent of the comments on interp ballots related to "data use."

[26] Interstate Oratorical Association, Winning Orations of the Interstate Oratorical Association, 1980, 1981.

[27] Most articles do not directly address the question of evidence. Two papers were presented at the 1979 Summer Argumentation Conference which took somewhat of a pedagogical perspective: Marilyn J. Young, "The Use of Evidence in Value Argument: A Suggestion," in Rhodes and Newell, pp. 287-295; and Sara E. Newell, "The 'Study' as Evidence and Argument in Academic Policy Debate," in Rhodes and Newell, pp. 296-303. Evidence, or data, plays an important part in the scheme developed by Toulmin: Stephen E. Toulmin, Reason in Ethics (Cambridge: University Press, 1964); Stephen E. Toulmin, Richard Rieke, and Allan Janik, An Introduction to Reasoning (New York: Macmillan, 1979).

[28] Cox and Willard, p. 14.

[29] Willard, "Speculations About Evidence," p. 263.

[30] Ibid., p. 281.

[31] Ibid., p. 262.

[32] Ibid., p. 268.

[33] Ibid., p. 263.

[34] Austin J. Freeley, Argumentation and Debate, 3rd ed. (Belmont: Wadsworth, 1971), pp. 97-101.

[35] Willard, "Speculations About Evidence," p. 280.

[36] McBath, Forensics as Communication, p. 11.

[37] Ibid., p. 13.

[38] The term "critical stance" is deliberately left vague here. The term is intended to reflect a synthesis of critical thinking and problem solving skills that forensics activities are thought to offer. An excellent discussion of these types of skills from a non-forensics perspective is offered by D.T. Tuma and R. Reif, eds., Problem Solving and Education: Issues in Teaching and Research (Hillsdale: Lawrence Erlbaum Associates, 1980).

[39] Willard, "Speculations About Evidence," p. 280.

[40] Ch. Perelman and L. Olbrechts-Tyteca, The New Rhetoric: A Treatise on Argumentation, trans. by John Wilkinson and Purcell Weaver (Notre Dame: University of Notre Dame Press, 1969).

WAYS THAT ARGUMENT MAY BE APPLIED IN THE ORAL INTERPRETATION EVENTS

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The oral interpretation of literature evolved historically because there was no way to mass produce the thoughts of writers. It was assumed that literature was meant to be read aloud. Before the invention of the printing press oral reading was the only means an author had to publish thoughts. Wallace Bacon notes that "the power of the spoken word before the invention of printing was at times magical. To the medieval and early Renaissance mind, reason was the attribute that most clearly distinguished man from animal, and man's capacity to reason was best demonstrated through his power of speech."[1]

Oral interpretation of literature is the "oldest of the speech arts (antedating the formal study of rhetoric; antedating the actor)."[2] Greek historians, for example, read their works aloud to audiences. Poets gathered together to hear each other's poems. Playwrites were heard almost solely at the great dramatic festivals, where their plays competed for prizes. Contests in the literary arts became an integral part of Greek games and festivals, where poets and playwrites recited their works and delighted listeners by their ability to make the written word come to life. For those who did this best, prizes were the reward. Today we are not as accustomed to listening to literature aloud. As a result, we miss what Henry James called the most rewarding test of literary excellence, the test by which literary forms are subjected to "close pressure" of oral performance. For it is under this pressure, James says, that literature gives out "its finest and most numerous secrets . . . ."[3]

The tradition of the ancient Greek contests in the literary arts is still part of our contemporary times, however, insofar as literature is read in a competitive situation at forensics tournaments for high school and college competitors. It is this contemporary competitive format of oral interpretation which has given rise to the question: In what ways are the principles of argumentation applied in interpretation events?

Before answering the question directly, it is important to make a few overviews about what follows. This paper is not an attempt to deal with an in-depth analysis of the aesthetics of literature or of oral interpretation. Nor does it intend to negate in any way the aesthetic aspects of the oral interpretation events. Furthermore, this paper obviously does not cover all of the aspects of argumentation theory which might apply to oral interpretation of literature. What this paper is is a thought paper--an attempt to verbalize fundamental links or similarities which exist between argumentation theory and oral interpretation events within the parameters of competitive oral interpretation of literature.

The American Forensics Association recognizes four oral interpretation events for intercollegiate competition: prose interpretation (a selection or selections of prose material of literary merit, which may be drawn from more than one source); poetry interpretation (a selection or selections of poetry of literary merit, which may be drawn from more than one source); dramatic interpretation (a cutting from a play or plays of literary merit); and duo interpretation (a cutting [scene] from a play, humorous or serious, involving the portrayal of two characters presented by two individuals).

Success or failure in life is largely determined by our ability to make wise decisions for ourselves and to secure the decisions we want from others. Much of our significant purposeful activity--competitively or on a daily basis in our own personal lives--requires us to make decisions. While some persons make decisions by flipping a coin, the wise decision maker pursues other avenues (unless, of course, his task is to get the Super Bowl started). "Argumentation, the art and science of using primarily logical appeals to secure decisions,"[4] is as relevent for the competitive oral interpreter as for the debater, or the persuasive speaker, or the extemporaneous competitor.

The principles of argumentation operate prior to, during, and after the presentation of the interpretation. The emphasis in application of these principles shifts, however. The interpreter uses argumentation principles primarily prior to the actual presentation; the listener/critic uses them during and after the presentation to help with the decision making or ranking of competitors. Although the use of argumentation principles shifts, the principles themselves are active throughout the entire communication situation.

Four aspects of interpretation which relate to argumentation theory will be considered in this paper. They are:

1. The selection of material for interpretation;
2. Analysis of the material for interpretation (author's message, analysis of the selection, etc.);
3. Abridgement (cutting the selection to conform to time constraints); and
4. Audience analysis.

These four areas are relevent first to the competitor and then to the listener/critic as the communication situation evolves from the student's desire to compete in interpretation events, to finding a selection, to preparation of the selection, to practice, to the performance, to the ranking by the listener/critic on the final cumulative ranking sheet. The remainder of this paper deals with each of these four areas as they apply to the performer and the listener/critic.

SELECTION OF MATERIALS

"Sounds, words, movements, ideas, dreams, hopes are the bases of putting one's arguments together. They are gestures by which man seeks to convey to those around him the secrets that must otherwise die within him."[3] The function of speech and more broadly argument is to allow man to convey his ideas. Writing is often a preliminary to oral discourse--a way of trying to make the oral word more precise, more meaningful.

When the interpreter searches for a selection, the search is much the same as the debater seeking evidence to support the ideas for the affirmative or negative case. The interpreter has a theme or idea which he wishes to develop, to communicate; the debater has examined the issues in the proposition and seeks supporting material to build his case. The same process is undertaken by persuasive speakers seeking material by which they may move listeners toward a particular value or course of action. The key is the residual message which each communicator wishes to communicate. Just as debaters or persuasive speakers know there are certain authorities which support their positions, so too the interpreter knows that different authors have distinctive characteristics and viewpoints. So the interpreter will search for authors who have expressed the message he wishes to communicate.

The interpreter not only thinks about the theme to be developed, but also about how he wishes that theme to be developed: suspensefully? in a straight-forward manner? through the use of dialogue? through the use of narrative description? with the use of dialects? with one or more characters? The interpreter will seek out an author whose style comports with the message or the theme as well as with the devices which the interpreter desires to use (or can use effectively).

The next issue to be addressed concerning selecting material may not be as important for the competitive debater as the competitive interpreter, but it might be of nearly equal concern for the informative or persuasive speaker. Can the interpreter, as an individual performer, develop the theme in the manner presented by the author? This involves a consideration of such aspects as language choice, mood, and character development. In other words, is the author's style compatible with the interpreter's skill level? Does the interpreter have the skills to use the author's devices effectively in an oral communication situation? Essentially these questions address issues of a given performer's delivery skills. Because the interpreter is working with an existing piece of writing written by someone else, the aesthetic demands of timing, rate, rhythm, and pitch must be satisfied with absolute precision. The interpreter cannot simply read the concluding paragraph of a mystery or increase his words/minute rate by 150 like a debater running out of time. Those things could cause the entire selection to lose meaning and direction. So the interpretation events require more vocal precision.

Carroll Arnold in the Criticism of Oral Rhetoric presents the idea of the "unspoken contracts in speaking." He states that "to analyze and synthesize judgements about a rhetorical situation is to spell out a series of contractual terms under which rhetors function in order to alter the situation as they intend." The interpreter desires to communicate the selection to the listener/critic to create a change inside the body of the listener/critic. "By coming to speak [interpret], each speaker [interpreter] announces that this particular audience in this particular situation holds a key to some fulfillment of his goals and desires." Listener/critics, says Arnold, know this and therefore "they watch their speakers [interpreters] closely, actively, sometimes defensively, emitting streams of 'Yes's' and 'No's' inside themselves as they listen."[6] Herbert A. Wichelns stated this idea a little differently when he wrote:

> . . . Poetry always is free to fulfill its own law, but
> the writer of rhetorical discourse is, in a sense, perpetually
> in bondage to the occasion and the audience; and in fact
> we find the line of cleavage between rhetoric and poetic.[7]

Once the interpreter has committed to the competitive format, he has reduced the "cleavage" that Wichelns talks about and has placed himself in the same bondage to the occasion and audience as the writer of oral discourse. The interpreter is attempting to communicate someone else's work, but the interpreter has the greater risk in that the selection of the material will reflect on him and his person. The interpreter makes an "unspoken contract" with the audience in the same way the public speaker does. The material which has been selected for competition as well as the physical presence of the interpreter indicates the interpreter's desire to have a fulfillment of certain goals and desires. The interpreter would then be subject to Arnold's "compact" which follows:

> For reasons of my own I have decided to stake some of my hopes on you and the judgements you form in this situation, at this time. I have chosen to speak [interpret]. . . . I therefore ask you to let me into your thoughts and feelings for a time. I recognize you will insist that I adjust myself, my thoughts, and my purposes to the attitudes you already have. . . .
>
> I concede that you shall be the judge of me, of whatever feelings I seem to express. I concede that the primary thing that will count between us is the satisfaction you can find in the relationship I evolve with you in the coming minutes. . . . I accept personal responsibility for all I say and do and for my ways, and I concede that you have a right to judge me as a person according to what you think of my sayings and doings.
>
> We all know that I came here to manage you somewhat. I know that you grant me that privilege very tentatively. I recognize that you can, and have a right to, reject me at any moment of our relationship. To the extent that this makes me uneasy, I ask

> you to make what allowances you can for ways in which my unease may affect what I say and do. . . . I shall try to give you some immediate rewards for allowing me to try to change you; but if I don't succeed in that, I know you will judge me the failure, not simply my ideas and strategies.
>
> On these terms please let me try to change you. I say . . . .[8]

So the interpreter has the same "contractual" obligation to the listener/critic that the public speaker does and the listener/critic of oral interpretation has the responsibilities of the listener/critic in a public speaking situation.

Thus, when selecting material it is important to choose something which attempts to meet the following criteria:

1. Is the piece interesting to the individual interpreter and is it potentially interesting to others?
2. Does the interpreter have the skill and ability to use the author's devices effectively to create meaning?
3. Does the selection allow both the interpreter and the listener/critic to grow and expand both their skill and knowledge?

All of these aspects of material selection happen with the interpreter prior to the actual performance. When the interpreter stands up to present the oral interpretation, the listener/critic becomes involved in this same process of material selection. It is at this point that a shift takes place. The same questions and aspects that the performer considered now become the concerns and bases by which the listener/critic makes judgements on the performance.

ANALYSIS OF MATERIALS

When each side in debate is arguing the opposite position, we ask ourselves which we are to believe. Logically, we will believe the student who does the better job of presenting evidence to establish his position. Evidence is the raw material of argumentation. It consists of facts, opinions, and objects which are used to generate proof. The advocate brings together the raw materials and, by the process of reasoning, produces conclusions. The debater usually searches through a wide variety of resources for evidence--the building blocks of his message. Even though the interpreter has had another author initially put together the facts, opinions, and objects which are used to generate proof (a conclusion--a viewpoint about the world), the interpreter, too, must conduct an evidential search. The interpreter attempts to find information about the author of the selection, the author's credibility, the piece's social and intellectual milieu, and the accuracy of the author's use of evidence to justify the conclusions which are drawn within the work.

The interpreter looks at the work to determine "the available means of persuasion" which exist within the work itself. This is done by asking questions about the directness of the discourse. The interpreter begins to test the "evidence" found in the discourse in order to test the credibility of the author's ideas and his perceptions of those ideas. Since the interpreter in the purest sense is advancing an argument--that the selection he has chosen and his interpretation of it is correct--the interpreter may ask the following questions which are similar to those asked by anyone advancing an argument:

1. Is there enough evidence in the story to justify the conclusions it draws or asks the audience to draw?
2. Is the evidence (the theme and/or idea of the selection) clearly expressed?
3. Are the ideas consistent with other known evidence (images, metaphors, the social and intellectual mileau, etc.)?
4. Is the story consistent within itself?
5. Is the author competent to write on this subject?
6. How does it fit its purported social milieu?
7. Is the source [author] acceptable to the audience?
8. Does the selection have literary merit?
9. Is the material suited to the competitive format?
10. Is the material suited to the listener/critics who will listen and make judgements about it?[9]

The interpreter, however, goes one step further. The interpreter also examines the selection and analyzes the places which need rate and inflection changes, develops the thought groups of the author, and tries to get "into" the author's thought process. Although the debater and other types of public speakers do this, too, it is somewhat easier for them to get "into" the thoughts of the author since they themselves are the primary authors of their own arguments. The interpreter must work harder in this area to make his argument regarding the selection for oral interpretation come through to the audience.

The listener/critic will mentally run through the same questions--again a shift in the application of the principles of argumentation takes place. While the analysis-of-material considerations were the focus of the interpreter prior to the presentation, they become the focus and the judging criteria of the listener/critic during and after the presentation. These questions help form the bases, in the competitive format, for determining who has done the better job of oral interpretation in that round when it becomes time to rank the competitors.

ABRIDGEMENT

Sometimes the length of a story, poem, or play precludes its being read in its entirety. For example, the American Forensics Association time limits allow a maximum of ten minutes for each of the four interpretation events (the ten minute limit includes the presentation of an introduction, transitional materials, and, of course, the actual reading of the program itself). If the interpreter wishes to use an abridgement, the focal point of the story must be found, the point without which the narrative would not achieve its purpose. This is similar to the selection of issues used to build a debate case. The brief is an outline of the issues and supporting materials selected and arranged to support a particular position. Since an affirmative or negative team cannot use ALL the evidence they have on a given year's topic, they select issues and evidence while still trying to create a whole prima facie case with the constraints of the time (usually 8-3-5). They cannot use an entire Presidential Commission Report; they pick and choose the best supporting materials for their use, materials which help build the strongest case. In a similar process, the interpreter who needs to abridge a selection chooses to keep those elements which keep the focus of the story. Any details not relevant to the climactic unit should be cut. Sometimes this may include sub-plots, minor characters, or a condensing of background or descriptive material. The important consideration is to have a prima facie selection--one which provides good and sufficient reason for listening to the selection and which provides credibility for the story as it progresses.

The elimination of parts of a selection should not distort or twist the theme of a selection. An example of this occurred in a mystery story I once heard read. The reader chose to cut several of the clues which were needed to come up with the correct solution to the case. The leaps of faith the listener/critics were asked to make subsequently were too great, the story lacked logical sufficiency to be accepted, and the audience felt cheated because they did not have the crucial information to "solve" the case, information that the story's detective had. The distortion or misrepresentation of material has become such a problem to some people and groups that author Neil Simon and the O'Neill Foundation will not allow their works to be performed or used in any abridged manner. All of O'Neill's and Simon's works must be performed in their entirety.[10]

The burden of proof in oral interpretation events lies with the reader and stays with the reader. The interpreter is taking the risk of presenting the selection as well as of supporting his position's logic and reasonableness. The interpreter is asking the listener/critic to concur that the decisions of selecting the materials, analyzing the materials, and abridging the materials were made correctly. In much the way that an affirmative or negative debater asks for a decision in a debate, the interpreter asks that his position [residual message] and his views on it be accepted by the listener/critic. The reader also holds presumption at the start of the reading. Presumption favors the reader in that the value at the time the selection starts is set forth by the interpreter based on the author and the material chosen. Presumption, however, can shift to the listener/critic if the listener/critic perceives that the values which are set forth in the introduction and/or the material itself are not being met. In the competitive round, the final determination of the logical sufficiency of the abridgements made rests with the listener/critic.

AUDIENCE ANALYSIS

It is the task of an advocate to discover the preferences, wants, or beliefs of the particular audience that will render the decision. All public speaking texts and argumentation and debate texts devote some space to the process of a speaker analyzing the intended audience. In their 1977 Quarterly Journal of Speech article, "Reader, Text, Audience: Oral Interpretation and Cognitive Tuning," Kaplan and Mohrmann provide evidence that the same process holds true for an interpreter. They state, ". . . readers who anticipated that the audience was thoroughly familiar with the literature formed a more detailed and complex impression of the materials," and, importantly, "perceptual differences start to arise at the very outset, the expectation of performance shapes the initial impression of the literature."[11] Wallace Bacon expands on this idea when he states, "The audience enters into communion with the reader; each moves toward the central concern which is embodied in the text. In communion, communication occurs."[12] This is also part of Arnold's "unspoken contract" which the reader and the listener/critic enter into. The contract affects both parties. Accurate audience analysis helps the reader get his message through to his listeners. In addition, accurate audience analysis is important because any speaker or interpreter knows that the degree and quality of response from an audience affects the performance. It may assist, it may interfere, it may augment, it may reduce.

The first verbal outcome of audience analysis is the introduction of the selection(s) to be read. The introduction to the oral interpretation selection serves the same function as an introduction in any speaking situation. It is the first view the listener/critic gets of the reader. The primacy effect is as important here as in any other form of communication. In an introduction the debater states the affirmative or negative rationale, states the proposition exactly, defines terms when needed, and then forecasts the subsequent speech structure. The oral interpreter follows the same pattern. The interpreter states the reasons for selecting the story, poem, or play; states the title and author's name; creates a reason for the listener/critic to listen and to look forward to the reading; and sets a tone which prepares the listener for the selection. Defensive, apologetic, condescending, didactic, dogmatic introductions may alienate an audience and deny the writer any chance to be heard. A good introduction for an interpretation event, a public speaking event, or a debate puts the listener in the proper frame of mind so that the position/arguments/thesis of the message to follow may be favorably advanced.

It is important for the interpreter to realize that successful communication with the audience depends on the audience's ability to relate to the selection, to the ideas presented, and to the interpreter himself. If an audience has no common ground with what is happening in the selection it will be difficult, no matter how technically well done, to do well in a competitive round. The interpreter and the debater both need to demonstrate a sharing of ideas, interests, and beliefs with an audience. Both need to indicate a willingness to be friendly and to share in an attempt to expand the audience's views while attempting to argue their particular positions.

The interpreter also needs to take stock of how he will be perceived while reading the selection. A distinguished physical appearance is an obvious asset to both the speaker and the interpreter. It will provide fewer distractions, fewer reasons for the listener/critic's mind to wander to other things. I once judged a final round of an interpretation event which had a young man so gaudily attired that all three judges could not remember after the round anything about his selection--the sartorial splendor had worked against his real purpose.

An important question which the reader should ask is "does the material embarrass him to read in front of anyone?" If one is attacking racial, ethnic, or religious groups and the listener/critic turns out to be in that group, could the interpreter still present the interpretation without feeling self conscious and without destroying the message of the selection? Not all the judges who judge at tournaments are like that interpreter's specific coach. Judges come from different backgrounds and as such have different values and beliefs. The judges may be currently active forensics coaches, former competitors, high school teachers, or the person off the street. Not all the judges who judge interpretation events are interpretation specialists. A well done oral interpretation which establishes common ground, was selected well, was abridged well, analyzed well, and presented well will reach its particular listener/critic in the same way that the well developed argument has impact on its own particular listener/critic.

Oral communication is by its nature audience centered. Anybody engaging in an oral communication situation needs to acknowledge the audience. It is again the listener/critic who must ultimately decide if he has been moved by the communicator. For example, if the presentation was intended to be a painful experience for the listener, was there a sensory awareness on an affective level which created the sense of pain or the need to help, to move to action, or to do whatever the debater, public speaker, or interpreter intended?

Argumentation theory does play a role in the oral interpretation events at a competitive level. In addition to the considerations already raised, there is one final dimension of argumentation theory which plays a role in the oral interpretation events as in all human communication situations. It is what Richard Whately in the Elements of Rhetoric called "deference." Whately defines deference as:

> The person, Body or book, in favour of whose decisions there is a certain Presumption, is said to have, so far "Authority"; in the strict sense of the word. Any recognition of this kind of Authority,--an habitual Presumption in favour of such a one's decisions or opinions--is usually called "Deference."

Whately goes on to state that "deference is apt to depend on feelings; often, on whimsical and unaccountable feelings."[13] For the communicator--interpreter, public speaker, or debater--when the time comes for the listener/critic to make the final judgement, deference may play a role. It may be that for the judge at that particular time, in that particular round, everything just clicked with one of the contestants: the poise and confidence was there; the selection or material hit home and was related well to that listener/critic; the vocal quality the listener/critic hears was right; the timing perfect; etc. The next time the same listener/critic hears the same program, there may not be the same electrifying effect. Deference, based on feelings--often whimsical and unaccountable feelings--was happening. Argumentation is the art of using primarily logical proofs to secure decisions. As we strive to make logical appeals and to obtain logical decisions, deference does and will enter into the decision by those who try to make wise decisions.

CONCLUSION

When the assignment for this paper first came, I looked through some college textbooks which are currently used to teach argumentation and debate and some others which are used to teach oral interpretation of literature. I was struck by the number of similarities in their respective "Table of Contents." Chapter headings such as the following are common:

Analyzing the Problem -- Analyzing the Literature

Structure of the Case -- Structure of the Short Story/Poem/Play

Speaker as Person -- Interpreter as Person

Evaluation of Debate -- Criticism of Performance

I thought at first that it was just the conservative nature of the textbook companies seeking to discourage too much creativeness in communication textbook chapter titles. By preparing this paper, however, I have concluded that the theories of oral interpretation and argumentation do, in fact, have more than superficial commonality.

Oral interpretation is the study of literature through the medium of oral performance. Competitive oral interpretation is an activity with long historical roots which continues today at forensics tournaments across the country. The interpreter can find effective guidelines for improving his effectiveness as a communicator in the theory and practices of argumentation, just as the persuasive communicator can find insight in interpretation theory. These are not two independent, unrelated fields of communication. The theory of argumentation and the theory of oral interpretation have had, and will continue to have, a symbiotic relationship.

ENDNOTES

[1] Wallace A. Bacon, The Art of Interpretation, 3rd ed. (New York: Holt, Rinehart and Winston, 1979), p. 5.

[2] Ibid.

[3] Henry James, The Golden Bowl (New York: Kelly (Augusta M.), 1909), preface.

[4] Austin J. Freeley, Argumentation and Debate: Rational Decision Making, 3rd ed. (Belmont, Cal: Wadsworth Publishing Co., Inc., 1971), p. 2.

[5] Bacon, p. 3.

[6] Carroll C. Arnold, Criticism of Oral Rhetoric (Columbus, Ohio: Charles E. Merrill Publishing Company, 1974), pp. 38-39.

[7] Herbert A. Wichelns, "The Literary Criticism of Oratory," in Studies in Rhetoric and Public Speaking in Honor of James Albert Winans (New York: Russell & Russell, Inc., 1962), p. 212.

[8] Arnold, pp. 42-43.

[9] These questions are adapted from Chapter Seven, "The Tests of Evidence," in Freeley, pp. 95-111. Although the end result of asking the questions remains the same, I have inserted interpretation terminology for purposes of illustration.

[10] The Samuel French Basic Catalogue of Plays, 1980. After all Neil Simon plays there was a statement added in the 1980 Catalogue requiring that the plays must be performed in their entirety. The O'Neill Foundation, which approves performances of that author's works, will not allow abridgments of his works, either.

[11] Stuart J. Kaplan and G. P. Mohrmann, "Reader, Text, Audience: Oral Interpretation and Cognitive Tuning," Quarterly Journal of Speech 63 (1977): 59-65.

[12] Bacon, p. 500.

[13] Richard Whately, Elements of Rhetoric: Comprising an Analysis of the Laws of Moral Evidence and of Persuasion, with Rules for Argumentative Composition and Elocution, ed. Douglas Ehninger (Carbondale: Southern Illinois University Press, 1963), pp. 118, 120.

IN WHAT WAYS IS ARGUMENT APPLIED IN THE NON-PREPARED SPEECH EVENTS?

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In 1974, the National Developmental Conference on Forensics concentrated on debate as argumentation. But it is quite clear that argument is also applied in the individual speech events. The distinction which Daniel O'Keefe has drawn between making arguments and having arguments is a central difference between the application of argument in debate and in the individual events.[1] Wayne Brockriede makes this distinction as argument, a product made, and arguing, a process engaged in.[2] Contestants in individual events make arguments--they advance claims which they support, they seek adherence from their audiences by reason-giving--as do debaters; they do not, however, have arguments with an opposing team, and this absence of clash means that they do not attack, refute, or rebuild. Individual events contestants make a different type of implicit competitive claim in a round than do debaters: not "My partner and I ought to win this round because we did the better job of debating," but "I ought to be ranked first in this round because my speech was better than those of the other contestants."

The 1974 National Developmental Conference on Forensics agreed upon a definition of argumentation as "the study of reason giving by people as justification for acts, beliefs, attitudes, and values." They agreed that forensics education is education in the comparative communication of arguments, and that forensic activities are laboratory experiences for helping students to understand and communicate various forms of argument more effectively in a variety of contexts with a variety of audiences.[3] In their discussion of an audience-centered theory of argumentation, Richard Rieke and Malcolm Sillars say that argumentation is "the process of advancing, supporting, and criticizing claims"; they emphasize the importance of the use of analysis and support in leading the audience to grant adherence to the speaker's claims.[4]

I will be using these definitions as I examine how argument is applied in the non-prepared speech events. The two events in this category (of the ten competitive events offered at the American Forensic Association's National Individual Events Tournament) are Extemporaneous Speaking and Impromptu Speaking. To call these two events "non-prepared" is, of course, a bit of an overstatement. A more accurate term would be "limited-preparation" events. In Extemporaneous Speaking, the contestant chooses one of three topics, then has thirty minutes in which to prepare a seven-minute speech on that topic. Most contestants have, of course, been preparing for this speech throughout the academic year: reading newsmagazines, assembling resource files, and competing at other tournaments. Even the specific topics are probably not much of a surprise to contestants who have qualified for the NIET: contestants know that the topics will be expressed as questions about current events, and most contestants would probably do quite well if they were asked to predict the 108 topic-questions to be used in the NIET. (A question which does come as a genuine surprise is likely to be criticized as unfair, trivial, or obscure; and, unless three such questions are offered to a single contestant, such a question is not likely to be chosen.) The contestant in impromptu speaking has no choice of topic but does have some preparation time--often as much as three minutes. Although it is expected that the specific topic will be a surprise to each contestant, some limits are predictable: the topics will be "of a proverb nature," so students can expect a pithy, familiar statement which expresses a well-known "truth" or fact; the topic will not be a question to be answered but will be a statement which the student may analyze in a variety of ways. The term "non-prepared" speech events does not, then, mean literally non-prepared; rather it distinguishes this category of events from the "prepared" events in which speeches--and arguments--are written, practiced, polished, revised, often memorized well in advance of the contest presentation.

Students in individual events do not, as a principal goal, seek actual adherence from their immediate, relevant audience--the critic/judge--any more than do debaters. If they do gain adherence from the judge, so much the better; but we expect judges to maintain an objective attitude of evaluation of students' skill and ability in making arguments, not a judgment of their success or failure in gaining a judge's personal adherence to their claims. I am often persuaded by speeches I hear in debate and individual events competition, but I try to set aside my personal reaction as I make a judgment about the student's skill and ability in argumentation. Although I decided very early in the debate season a few years ago that I never wanted to drive a car equipped with air bags, I often voted for debate teams who argued that I ought to be forced to do just that--because they did a better job of arguing for their position in that round than did their opponents. Even though I continue to drink a great deal of coffee (which may be a dangerous admission to make while I'm in Utah) and recognize my own rationalizing, I gave a high rank to the orator who warned me of the dangers of that practice and urged me to cut back on my caffeine consumption; even though she didn't change my behavior, she did a good job of constructing arguments and of supporting her claims. And although I may personally have no faith in the ability of economists to predict anything, I will judge an extemporaneous speaker who uses predictions of Walter Heller or Milton Friedman as support for claims with the acknowledgement that many people find such sources credible

Within this context, I will turn to an examination of the application of argument in the non-prepared speech events, using tape recordings of the final rounds of Extemporaneous Speaking and Impromptu Speaking at the 1981 National Individual Events Tournament.[5] In each of those two rounds, the rankings of the five judges were quite varied: only one of the twelve contestants had a range of rankings as narrow as three (3-5); seven contestants had ranges of four (1-4 or 2-5); and four contestants had full ranges of five (1-5). Such an outcome is not unusual in the final round of a national tournament, presumably because all contestants in such rounds are very good and judges must differentiate rankings on very fine distinctions. I assume that each contestant in each of those two final rounds was making the implicit claim, "I ought to be ranked first in this round"; more than half of the contestants gained adherence to that claim from at least one of their judges. I will try not to assume the role of a judge, though, in my examination of these speeches; I will focus on the descriptive question, "In what ways is argument applied?" What evaluations I do make will fall within that descriptive focus.

In the Extemporaneous Speaking final round, all four topic-questions required judgmental answers. And, like good debate topics, the topic-questions were reasonably balanced so that a persuasive case could be built for divergent answers. Three of the questions were projective, requiring answers about events in the future (Can terrorism be stopped? How likely is Soviet intervention in Poland? What benefits can be derived by the U.S. in El Salvador?). The fourth question required a causal judgment about a past event (What caused the split in Britain's Labor Party?). In each of the four speeches, the speaker gave a clearly identifiable answer to the topic-question, and that answer became the central claim in the speaker's argument. Beneath that central claim, each speaker organized subordinate claims, supporting them with data of various sorts; and once those subordinate claims were established to the presumed satisfaction of the audience, they served as data for the central claim. The notorious "three points of analysis," the stereotypical organizational pattern for extemporaneous speeches, appeared in only one of the speeches; the other three speeches were organized under two main headings, with substructure. All four speeches were introduced with relevant quotations (W. H. Auden, Ernest Hemmingway, Jeff McNally, Winston Churchill) which were used to lead into the statement of the topic-question; the topic-question was stated at times ranging from :22 to 1:30.

Speaker #3 (Speakers #1 and #2 were not recorded) included a statement of significance in his introduction, and he answered his topic question ("Can terrorism be stopped?") in the concluding sentence of his speech ("No"). Saying that the desire for the action and the ability to execute it are fundamental to all human actions, he posed two sub-questions: "Can we eliminate the motive for terrorism and violence, or, failing that, can we eliminate the terrorists' ability to do that action?" Using one example, the Baader-Meinhof gang, he concluded that the motives of discontent with society are so varied that they are impossible to eliminate. The speaker subdivided his second sub-question again into two parts. Because, he said, "power is derived from two sources," can we eliminate (1) the terrorists' ability to organize similar malcontents, and (2) the terrorists' ability to obtain weapons? Describing the limited ability of counterintelligence agencies to infiltrate and control terrorism, he concluded that counterintelligence can only curtail, not stop terrorism. He commented that the restructuring of the FBI and CIA, which restrained their counterintelligence activities, was "not all bad," because their previous activities--opening mail, breaking and entering--were "as harmful as terrorism." He concluded, "A society which is a police state is not a society worth protecting from terrorism." The speaker posed "a number of problems" under his second sub-point (ability to obtain weapons). Using two examples (Baader-Meinhof and Soviet Marxism), he said that "a number of governments have beliefs in supporting terrorist groups which agree with them." The speaker argued that we ought to interest terrorists in sophisticated weapons because they are less effective than the "homemade weapons--bombs, gas, booby traps--which are always available" and because the homemade weapons are more destructive than the sophisticated weapons; he used a hypothetical example of chlorine gas in the World Trade Center to illustrate his point. Concluding that we "can't take away their motives or their weapons," the speaker posed a final historical analogy as the answer to the question:

> In the 1870s, in Czarist Russia, terrorism was rampant but reform was being implemented. The third section of the secret police had successfully infiltrated many terrorist groups. A young man, a chemist, tried to use a homemade bomb (because there was gun control in Russia) on Czar Alexander III; he was hanged and executed. Effective methods to eliminate motives and weapons of terrorism were used in Czarist Russia. A man in the audience--his younger brother--saw the hanging and changed his name--to Lenin.

The conclusion: no matter what is done, terrorism will never be stopped.

The data used to establish the speaker's claims included example, hypothetical example, analogy, and assertion. Curiously, the speaker included no source citation in his speech, with the initial exception of his quotation from W. H. Auden. Surely the speech displays the characteristics of argument; whether the arguments are good or bad--whether they would gain adherence from the audience--is another question. Although I may be willing (personally, but not as a judge) to accept the asserted arguments because they coincide with some of my own beliefs and values, others with different values may not. The speaker's assertion about the equal harm of the FBI's opening mail and terrorism, his implication that therefore the United States was a police state, and his conclusion that a police state is not worth protecting from terrorism fall into this category, as does his assertion that homemade weapons are more effective than are sophisticated weapons. His concluding historical analogy might not be accepted by audience members who saw more differences than similarities. The logical structure of the speech is clear and tight; the sub-claims, once they are accepted by the audience, serve as sound data for the central claim.

Speaker #4 included a significance statement in his introduction and used a definitional distinction for his organizational structure. ("How likely is Soviet intervention in Poland? The answer depends on how you define intervention. Non-military intervention is likely and is going on now. In military intervention, the USSR has a small miliary presence now, but the possibility of a full-scale invasion is small.") The speaker supported each of these claims with example and testimony, extensively documented from recent and varied sources. Under non-military intervention, he used the example of United States involvement in Iran and applied the example, by analogy, to the Soviet Union in Poland. Quoting the *Economist*, the Baltimore *News-American*, and the *Christian Science Monitor*, he described instances of Soviet non-military intervention in Poland and concluded, "Overall, it's obvious that non-military intervention has been important in the Poland crisis and will continue to be." Under military intervention, he quoted Caspar Weinberger, the Chicago *Sun-Times*, and the *Christian Science Monitor* to describe the existing Soviet military presence in Poland and to explain three reasons why the Soviet Union would not want to increase its military involvement in Poland. He concluded, "Overall, the possibility of a large-scale military intervention is small." The speaker's final statement referred to the introductory McNally quotation which restated his central claim.

The speaker used example, analogy, and testimony as data to support his claims. His example of United States involvement in Iran was his only undocumented evidence. His citation of credible sources and their recency (usually identified as "this week" or "last week") increased the likelihood of audience adherence. The arguments were clearly structured and subordinated; the two sub-claims, once accepted by the audience, constituted the central claim.

The topic-question which Speaker #5 chose required him to identify benefits to be derived by the United States in El Salvador; after a brief introduction, he organized his speech into "two possible areas of benefit: the military arena and the international diplomatic spectrum." He then presented a chronological orientation to the question: "to understand the U.S. role in El Salvador," we must look at the past, the present, and the future. Quoting two recent issues of *Forbes*, he described the past and the present; he quoted a Washington *Post* article which outlined three future options for the United States in El Salvador. He placed these options under his two initial headings (military and diplomatic) and quoted articles in two issues of the *Christian Science Monitor* and the *Economist* to describe advantages and disadvantages of exercising the options. Using the examples of Cuba in 1957 and Nicaragua in 1977, he challenged the analogy of those events to El Salvador. He asserted that "the largest benefit to the U.S. is diplomatic," and he described the messages we would communicate to "our enemies, our allies, and someone I don't know how to classify (Mexico, usually an ally, but an enemy on El Salvador)." He summarized the benefits he had claimed, and referred to his introductory Hemmingway quotation to restate his central claim.

This speaker used a more complex organizational structure in his speech, but the points were logically related and his analysis was easy to follow. He used a full range of supporting data for his claims. He documented data quite fully, and the assertions which he made seemed justified by prior analysis. Surely given the controversial nature of United States involvement in El Salvador, a speaker might reasonably expect to encounter judges whose personal views on the issue differ widely. The topic-question, too, was more loaded than were the others: it required the speaker to identify "benefits" which the United States may derive in El Salvador when a case might well be built to support the claim that the United States should not even be *in* El Salvador, let alone derive any benefits from being there. This may be a situation in which the (presumed-to-be-objective) judge says, "You've not gained my adherence, but I wouldn't expect you to; you've still made a good argument."

Speaker #6 had the longest introduction (1:30) and an overt significance statement. She said that her topic-question ("What caused the split in Britain's Labor Party?") could be answered "in two words: voter sentiment." She organized her speech under three headings: a theory of political parties, how that theory manifested itself in voter sentiment in Great Britain, and how the theory filtered up through party politics and caused the split in the Labor Party. Crediting the theory to Roy Adams of the University of Wisconsin-Madison, she used examples (the United States, El Salvador, and Italy) to describe how parties emerge in countries with moderate to multiple ideologies. On her second point, she quoted the Christian Science Monitor to describe how the theory was manifested in Great Britain. Finally, she quoted the Economist to describe how changing voter sentiment caused the split in the Labor Party. Concluding, she restated her central claim with a quotation from the Financial Times of London and a statement by Shirley Williams of the Social Democratic Party.

The speaker chose a clear and logically appealing organizational structure (theory/application) which was appropriate to the causal arguments which she made. She used a range of supporting data and quoted from credible sources. One problem with her source citation was that she regularly identified a source immediately after stating her main point; it was impossible to tell when (if ever) the quoted or attributed material ended until the next main point and source citation appeared. The specifically-quoted material was apt, however; and the concluding Shirley Williams quotation concisely embodied the speaker's central claim and illuminated the theory which she applied. Causal arguments are usually difficult ones to establish, especially when one seeks to claim the cause for complex social behavior. This speaker made some wise strategic argumentative decisions, given the difficulty of the task: she chose a global theory of political behavior from a presumably competent source (after all, whoever he may be, we know he's from the University of Wisconsin-Madison) and applied that theory in a quite broad fashion. Her initial answer to the topic-question, that the split was caused by "voter sentiment," was also quite safe, but not very helpful until we heard further analysis, since any political event which requires votes is caused by voter sentiment. The argumentative task was also more difficult because this topic dealt with past, rather than future events: just as incumbents must run on their records while challengers may freely make promises, so a speaker may persuasively speculate about future events but will be more restricted in analyzing past events.

The four extemporaneous speakers followed a consistent pattern of argument: they made central claims to answer the topic-questions of their speeches; they organized their speeches into a series of subordinate claims which, when established by the data they offered, were intended to function as data for the central claims. They offered evidence to support claims which met the standards of the Extemporaneous Speaking event, although one of the speakers did not cite sources for his evidence. The impromptu speeches display similar patterns of argument. They differ somewhat, though, because of the different type of topic (a statement to which the speaker is to react rather than a question which the speaker is to answer) and because of the much more limited preparation time. The judging standards which relate to the arguments made are consequently different. The extemporaneous speaker is expected to meet higher standards of clear, logical organization of arguments than is the impromptu speaker who has organized arguments very quickly. The extemporaneous speaker has access to outside sources as support for claims and is expected to use such sources; the impromptu speaker must relay on personal knowledge, experience, and logical speculation. Data accepted by judges to support claims made by impromptu speakers might well be judged to be inadequate to support a similar claim made by an extemporaneous speaker.

In the Impromptu Speaking final round, all six contestants spoke on a quotation from Henrik Ibsen's *An Enemy of the People*: "The minority is always in the right." As tournament director, I had chosen that quotation for the final round because I liked it and thought that it would provide some challenge to the speakers. Having read *An Enemy of the People* and having seen it performed, I knew the context from which the quotation was taken. Within that context, I thought that the quotation expressed an important and socially-beneficial point of view (with which I agree). The quotation also appealed to me because it was short, it was absolute, and it was unusual (one of the speakers called it "bizarre") because the literal statement contradicts conventional beliefs. I concluded that a knowledge of the context from which the quotation was taken was not essential; in fact, none of the six speakers displayed any familiarity with Ibsen or with the play, and some speakers directly acknowledged that unfamiliarity. It was not surprising, then, that none of the speakers approached the quotation quite as I would have, given my knowledge of context and the luxury of time to ponder. The speakers in this round used preparation time ranging from :30 to 2:00, and most of the speeches were just over five minutes long.

The nature of the quotation permitted the speakers to make a variety of reasonable central claims, and they did so. Two speakers claimed Ibsen was wrong; one said he was right; and the other three speakers claimed he was right with limitations or exceptions. Four of the speakers organized their analysis under three main points; two speakers used two points. Introductions for the speeches included relevant quotations, personal example, and historical example. All speakers stated their central claims initially and repeated them in their conclusions.

Speaker #1 began with a quotation from a cartoon to lead into his statement of the Ibsen quotation. He said that the Ibsen quotation represented "an attitude which is a problem" and that he would analyze the problem in three ways: as symptomatic of closed minds, as a defense mechanism against the majority, and as steps to take to rid ourselves of this attitude. The speaker used two historical/political examples (Liberal Democrats after the 1980 Presidential election and aristocrats during the French Revolution) to support his first point. He used a personal example (his own attitude in extemp rounds) to support his second point. Under his third point, the speaker recommended two corrective steps: referring to posters promoting a liberal arts education which he had seen at the tournament site, he endorsed a broad liberal education; using an example of Archie Bunker in an "All in the Family" episode, he urged the audience not to dismiss minority views as freak occurences. He concluded that "Henrik Ibsen had an interesting point, but I think it's wrong," and he reviewed his main points.

In this speech, the speaker applied the quotation to those who are in the minority. His examples reasonably justified his sub-claims, and, taken together, those claims supported his central claim. The data offered in the speech were reasonable and varied, given the short preparation time and the need for the speaker to draw upon personal knowledge and experience for support.

Speaker #2 introduced her speech with a statement of the democratic principle of majority rule with protection for the rights of minorities. Approaching the topic-quotation at a quite literal level, she said that Ibsen believed that minority rights should not just be protected but should prevail; and she disagreed with that interpretation as her central claim. She "illustrated" that claim in three areas: government, business, and academia. Quoting Anthony Lewis in the New York Times and Jimmy Carter in his farewell address, and citing examples of the Ku Klux Klan and the Moral Majority, she claimed, "So it's clear that in the democratic form of government, Henrik Ibsen was wrong, and the minority is not always right." Using a personal example of her marketing class and the example of Chrysler's financial troubles, she concluded, "Overall, it becomes clear that, regardless of economic system, the minority is not always in the right." Using personal examples of test-taking experiences, exposure to varied economic theories in economics classes, and the superiority of classical and British literature, she claimed, "The majority has to rule, otherwise the classroom would be chaotic." Concluding, the speaker referred to her three main points to claim, "We've discovered that the majority is usually in the right and the majority rules because otherwise we might end up with chaos. I hate to disagree with someone as prominent as Henrik Ibsen, but I'll have to: the minority is not necessarily always in the right."

This speaker used the forms of argument and satisfied the criteria of argument, but it would have been difficult for me to have granted adherence to the speaker's claims. The three sub-claims are not equivalent, and only the governmental arguments are controlled by the introductory statement of democratic principle. Data presented often did not support claims: the examples of academic situations supported the claim that teachers--the minority--are right, because of competence, experience, education; majority rule would produce the chaos in the classroom against which the speaker was arguing. The asserted superiority of classical and British literature cannot be supported by majority rule through the Book-Of-The-Month Club; and the publishing house which accepted that claim of the speaker would have to reject the previous claim (under the business heading) that Chrysler's decline came about because they failed to satisfy majority tastes in the marketplace. The speaker tried to gain adherence to a claim of majority rule; had she limited her justification to a democratic governmental context, amplifying her first sub-claim and excluding her second and third, she would have been more successful.

Speaker #3 began with the historical example of the colonization of the United States by European minority groups. She stated her claim that Ibsen "was correct in his assumption," and she chose three areas of analysis: government, especially in American history; movements in our history composed of minorities; and the present, when some minorities are making it difficult to form majority opinions. The speaker expanded her introductory example to support her first sub-claim, illustrating the value of religious pluralism to the American colonists. She concluded, "Henrik Ibsen was correct in assuming the minority is always right, and he was looking back in history in making this statement." Asserting that "two movements composed of so-called minorities tended to form a correct majority opinion, focusing on social problems and bringing new changes in a country for the betterment of all the lives of the people," the speaker developed the examples of the Civil Rights movement of the 1960s and the Women's Suffrage movement of "the turn of the century." Using the example of the 1980 Presidential election, the speaker argued that "Ronald Reagan's minority view became right, and the majority united under him." In conclusion, the speaker stated her central claim and summarized her argument:

> The minority are able to have a certain aggression built up in them, they're able to fortify them and make their point very vocal, and by doing this they can bring about certain changes. I think these changes are primarily for the better, and Mr. Ibsen was prophetic in his statement, for they have brought about changes not only for specific groups but for all people as well.

As with the previous speech, I was troubled by Speaker #3's inconsistent use of examples to support the central claim. The initial historical example supported the claim that Ibsen's statement was accurate in the context of religious pluralism: all minorities are in the right because they believe themselves to be so. The movement examples, however, did not illustrate pluralism; they supported a claim that minorities may become majorities, and then the majority rules. The speaker asserted that those two "minorities" were "correct," without providing a standard for correctness. I consider them correct, too: I agree with their goals. But one may regard these two examples as not representative. What of other examples? Was prohibition "correct" when it was passed and "correct" when it was repealed? Is the movement to ratify the Equal Rights Amendment (or a human life amendment) correct or incorrect, and will its correctness change if or when it succeeds? Similarly, I would reject the example used to support the third sub-claim. Ronald Reagan won when he gained majority support; Jimmy Carter won when he gained majority support in 1976, and he lost when he did not gain majority support in 1980. Ronald Reagan cannot be claimed as a representative of a political minority. Generally, politicians and political groups tend to emphasize their representation of the majority, rather than the minority view: Reagan's "mandates," Nixon's "silent majority," even the "Moral Majority." Speaker #3 claimed that Ibsen was correct; she would have been more successful in gaining adherence to that claim had she supported the argument for pluralism more consistently beyond her first sub-point.

In a somewhat confusing personal example about working in tournament tab rooms, Speaker #4 introduced the idea of the legitimacy of pluralistic viewpoints to lead into Ibsen's quotation. He chose a two-point organizational structure: "government must be founded on that premise, for, if not, great violations will take place; and, because I hate to agree totally with the quotation, so the minority is always right for government, but that's not always the case." Using the historical example of the American colonial period and the writing of the Constitution, the speaker illustrated the concepts of pluralism and protection of minority rights. He argued that the Supreme Court was established to protect "higher law" (Constitutional law) and he used the example of the Nazi demonstration in Skokie, Illinois, to illustrate protection of minority rights; he concluded that "if we really believe in those principles, then we must have a body protecting the rights of the minority" because "if the majority was always right then those rules will be taken out." Using the example of Watership Down, by Richard Adams, the speaker argued that "it's important to respect minority rights because the minority often initiates an incredible amount of ideas." Acknowledging that not every rabbit who predicted doom would be right and that not every majority which ignored a minority would be destroyed, he concluded, "We must keep in mind that the minority is not always right, but should be protected." Supporting his second point, the speaker cited the example of El Salvador and general references to bigotry and racism in the United States to argue that the minority is often wrong and sometimes destructive. Concluding, the speaker restated his central claim and summarized with a quotation from Emerson.

This speaker supported his sub-claims quite consistently; his examples seemed apt and relevant. His development of his second sub-claim was quite brief, and it again was marred by the absence of a definition of "right." Some fluency and articulation problems, as well as a confusing introduction, made it more difficult to follow this speaker's arguments.

Speaker #5 introduced his speech with the personal example of betting on the outcome of the Super Bowl game. (The speaker relied on the assumption that the audience knew the outcome of that game, and, although I did not, the recorded laughter of the audience suggests that the speaker's assumption was generally accurate.) He led into Ibsen's quotation through personal identification and organized his speech into three areas: "the horrible murder spree in Atlanta; the Reagan administration; and the situation in the country of South Africa, which I feel we choose to ignore and don't deal with." All three examples, he claimed, support the quotation that the minority is always right. "But I'll hedge my bet: I believe there are exceptions to the rule." The speaker supported his first point with an extended personal example of the attitude of students in his school toward the murders in Atlanta. He concluded, "I'd suggest the situation in Atlanta in my school straddles the topic and shows the minority is both right and wrong. The vast majority of students is apathetic; they don't care. I'd say that's the worst of the three positions to take." Using another personal example of his voting for President Carter after Carter had conceded the election, the speaker described his fears of what Reagan would do as President. He asserted, "Ronald Reagan has done a pretty good job already; it's a good example of where the minority was not right and it turned out to the advantage of the country." Using the example of the oppressive policies of the government of South Africa, the speaker claimed, "This minority is not right, it's very wrong. We as Americans could have something to do with it, but we don't, as in Atlanta, because the large body is apathetic. Again, that's worse than being the minority, being right or wrong." Concluding, the speaker referred to the introductory personal example and stated a modified version of the central claim: "Sometimes the minority is right."

This speaker used humor more than did any of the other speakers; I counted laughter at six points during the speech. But I did not find his sub-claims to support his central claim. His first sub-claim was: a minority (mine) is right, a minority is wrong, but worst is the apathetic majority; his second sub-claim was: the minority was wrong, the majority was right, and that's good; his third sub-claim was: the minority is wrong, but Americans are apathetic, which is worse than being right or wrong. Those sub-claims, even if established, do not support the initial central claim: "All three examples support the quotation that the minority is always right." (They do, if established, support the quite different final central claim, "Sometimes the minority is right.") Now if only I knew who won the Super Bowl, I'd be able to judge whether the introductory and concluding personal example supported the claims. The argument against apathy was probably the one most strongly supported by the speaker's examples, but that was never advanced as a central claim. Apart from the personal testimony of the speaker as a converted Carter supporter whose worst fears about the Reagan administration did not materialize, he offered no support for his second asserted sub-claim that the minority opposing Reagan was not right and that "it turned out to the advantage of the country." The speaker met the criteria of argument: he offered data to support claims, he presented justifications for the conclusions which he drew, he gave reasons for his beliefs. I would not find his efforts to gain adherence to have been successful.

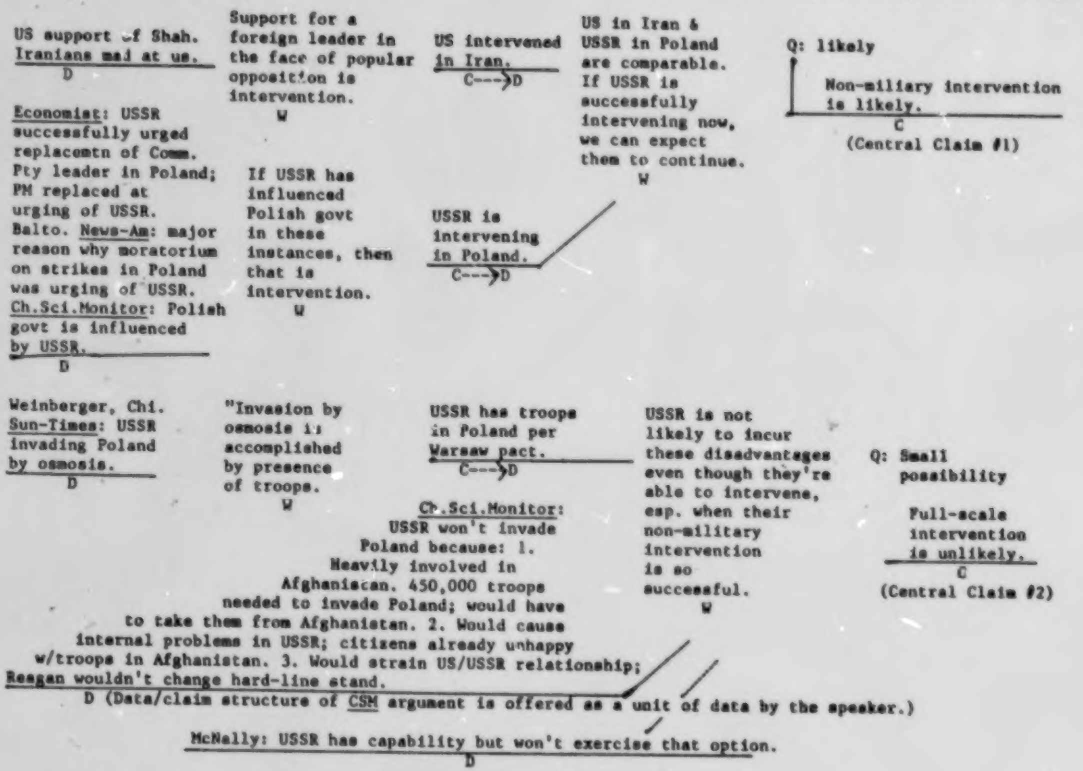
Speaker #6 used a joke from the World Press Review about the government of South Africa as an introductory illustration of his central claim that Ibsen's quotation is not literally true. He expanded that claim by saying, "But someone as brilliant as Henrik Ibsen wouldn't have said it if he hadn't had some meaning behind it," to introduce his two-point organizational structure: "why we need to protect the rights of the minority to say whatever they want, and, second, we need to look at minority views and realize that often they are more correct than the view held by the majority." The speaker used the example of the government of Finland barring the broadcasting of Mickey Mouse cartoons because Mickey and Minnie were unmarried, and he related that example to the example of attempted suppression of opposing views in the United States by the Moral Majority and other conservative groups. Arguing from those examples, the speaker said that "the significance of trying to suppress these views is obvious, for if we try to do this, we're destroying the democracy on which our nation is based." Quoting the Progressive, the speaker cited the harms of censorship; he supported his argument that "it's not always the wrong views which get suppressed" by citing the example of Christian Scientists in New York who were successful in removing a question about the biological nature of disease from the Regents' high school exam, and he commented, "Most of us would like to see this question included." He concluded, "Whether the Christian Scientists are correct or not is irrelevant; the point is that we need to be able to believe whatever we want, for if we don't, then certainly our intellectual capabilities will be destroyed and democracy will suffer as well." Using the example of disagreements over economic theories, the speaker made his second sub-claim that minority views need to be expressed in our society because the minority is often right. This example illustrated, he said, the harm of suppressing minority views and the advantage of testing minority views in the public arena. The speaker used the example of Nazi Germany to argue that even though the majority in Germany supported the Nazi government, the minority was right; and he used the example of Columbus who was allowed to test his minority view that the world was not flat. Summarizing, the speaker observed that those minority views often in time became majority views, which might have been suppressed had we not considered the minority always to be right. The speaker concluded by referring to his introductory quotation and restating his central claim.

This speaker developed his arguments quite consistently, choosing a variety of supporting materials to establish his claims. The sub-claims, when established, supported the central claim. This speech, too, was flawed by an absence of a definition of right and wrong; and, although I must share the speaker's value perspective since I accept his examples of right and wrong, others with different value sets might not find his data acceptable to warrent his claims.

This examination of the speeches given in the final rounds of Extemporaneous and Impromptu Speaking at the 1981 National Individual Events Tournament supports the quite obvious conclusion that speakers in those non-prepared events use argument. Their speeches conform to the criteria of argument: they advance, support, and criticize claims, and they give reasons as justification for acts, beliefs, attitudes, and values. They use a variety of supporting data, which presumably will be acceptable to their audiences, to try to establish subordinate claims; once established, those subordinate claims serve as data for the central claims they have made, either in answering their extemp question or in responding to their impromptu topic. Some speakers qualify their claims extensively ("So this analysis might suggest that Ibsen may have been right that sometimes the minority is right") whereas others make absolute claims ("Obviously, it's clear that the minority is not always right"); the strength of claims made varies from one speaker to another. Warrents for arguments were implied; no speakers provided backing for warrents nor presented rebuttal conditions for claims. The speeches embody argument which is similar in many ways to the arguments made in debate, especially in first affirmative constructive speeches. While the extemporaneous and impromptu speakers need not anticipate direct refutation of their arguments, they must nevertheless structure persuasive cases recognizing that argumentation is an audience-centered process and that an audience should be induced to grant adherence to the claims advanced. The judge in debate who concludes at the end of the first affirmative constructive speech that the affirmative team has or has not presented a prima facie case is making a judgment very similar to that which the judge in extemporaneous or impromptu speaking makes at the conclusion of each speech. Is the case logically adequate? Is the supporting material strong, credible, and consistent? Has the speaker met the audience's expectations of sufficient and persuasive argument? Whether those arguments were good or bad, weak or strong, consistent or inconsistent; whether the speaker gained adherence to his or her claims, whether the speaker's analysis was superior to that of the other speakers in the round--these evaluations are the responsibility of the judges, who must then display their skill at argument by constructing persuasive cases on their ballots.

Speaker #4: Extemporaneous Speaking

Q: How likely is Soviet intervention in Poland?



US support of Shah. Iranians mad at us.
D

Support for a foreign leader in the face of popular opposition is intervention.
W

US intervened in Iran.
C--->D

US in Iran & USSR in Poland are comparable. If USSR is successfully intervening now, we can expect them to continue.
W

Q: likely

Non-miliary intervention is likely.
C
(Central Claim #1)

Economist: USSR successfully urged replacemtn of Comm. Pty leader in Poland; PM replaced at urging of USSR. Balto. News-Am: major reason why moratorium on strikes in Poland was urging of USSR. Ch.Sci.Monitor: Polish govt is influenced by USSR.
D

If USSR has influenced Polish govt in these instances, then that is intervention.
W

USSR is intervening in Poland.
C--->D

Weinberger, Chi. Sun-Times: USSR invading Poland by osmosis.
D

"Invasion by osmosis is accomplished by presence of troops.
W

USSR has troops in Poland per Warsaw pact.
C--->D

USSR is not likely to incur these disadvantages even though they're able to intervene, esp. when their non-military intervention is so successful.
W

Q: Small possibility

Full-scale intervention is unlikely.
C
(Central Claim #2)

Ch.Sci.Monitor: USSR won't invade Poland because: 1. Heavily involved in Afghanistan. 450,000 troops needed to invade Poland; would have to take them from Afghanistan. 2. Would cause internal problems in USSR; citizens already unhappy w/troops in Afghanistan. 3. Would strain US/USSR relationship; Reagan wouldn't change hard-line stand.
D (Data/claim structure of CSM argument is offered as a unit of data by the speaker.)

McNally: USSR has capability but won't exercise that option.
D

[1] Daniel J. O'Keefe, "Two Concepts of Argument," Journal of the American Forensic Association, XIII (Winter, 1977), 121-128.

[2] Wayne Brockriede, "Characteristics of Arguments and Arguing," Journal of the American Forensic Association, XIII (Winter, 1977), 129-132.

[3] James H. McBath (ed.), Forensics as Communication: The Argumentative Perspective (Skokie: National Textbook Company, 1975), p. 163.

[4] Richard D. Rieke and Malcolm O. Sillars, Argumentation and the Decision Making Process (New York: John Wiley, 1975), pp. 6-7. Many of the terms which Rieke and Sillars use, and which I will use, to describe arguments and their parts are taken from Stephen Toulmin, The Uses of Argument (Cambridge: At the University Press, 1964), with which I assume my audience is familiar. Toulmin's layout of arguments could be used to diagram the arguments presented in extemporaneous and impromptu speeches, as I have done with one of those speeches. That layout is included at the end of this paper.

[5] In Extemporaneous Speaking, only the last four speakers were recorded; in Impromptu Speaking, all six speakers were recorded. Two contestants competed in the final round of both events. The recordings, made at the National Individual Events Tournament at Towson State University in Baltimore on April 12th, 1981, are available from me.

IN WHAT WAYS IS ARGUMENT APPLIED IN THE PREPARED SPEECH EVENTS?

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Argumentation, wrote Crable (1976), is "communication where the symbolic transaction is aimed at presenting reasons for claims and/or examining reasons for claims" (p. 8). The forensic speakers in the prepared events of after-dinner speaking, informative speaking, persuasive speaking, and communication analysis, do indeed attempt to present reasons for their "stands, positions, or statements" (p. 9). On the other side of the transaction, the forensic judge examines those claims and possibly challenges the reasons on the ballot. The forensic encounter between speaker and judge could be characterized as an exercise in argumentation.

Because there are conceivably at least two levels of intention working between each forensic speaker and judge, there are also arguments presented to fulfill the intentional levels. One level of intent for the forensic speaker is to present an acceptable, if not exemplary job of persuasion, after dinner, etc. In other words, the intent of the forensic speaker is "to win." The other level of intent is the actual desire to inform, persuade, entertain, or contribute to the realm of rhetorical criticism or communicative analysis. Though intent is a most elusive concept to assess it would be my hope that both levels exist for each forensic speaker, and that a speaker's wish is not only to be rewarded for excellence, but in so doing desires to share meaning or affect change. The intent levels cannot always be separated, and what one argues "to win" the round, may also be an argument that "communicates meaning or affects change." What can more easily be differentiated are the overall arguments that must be made for an exemplary performance, as well as some of the internal arguments that are advanced to support each overall claim. This analysis of arguments in prepared events will be presented for each of the categories, based on data from the 1981 American Forensic Association's National Individual Events finalists. It could be argued that national finalists in these events should be presenting overall arguments that are aimed at the intent level "to win," if not "to communicate."

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Before this analysis is pursued, it is important to examine the role of the judge in the argumentative situation. As Sayer (1980) wrote, "to be effective, argumentative communication must, out of necessity, be audience-oriented" (p. 39). Though it seems that the forensic speaker and his or her message receive a great deal of the attention, the forensic judge (audience) must be considered an integral part of the overall plot. Crable (1976) emphasized that "the receiver's orientation determines the appropriate strategies and methods,... the strength of reasoning, and ...the direction and success of the argumentation" (p. 15). A successful forensic speaker must be fully aware of and satisfy the argumentative demands of the forensic judge. From this perspective, it would appear logical that the national finalists would be satisfying judges' demands for overall arguments.

After Dinner Speaking

At first glance, it seems funny to think of after-dinner speaking as an exercise in argumentation, nonetheless, it certainly appears to be the case. To present an exemplary after-dinner, what overall claims must the speaker make to satisfy the judges' demands?

First, the speech must provide an argument which is a commentary on a societal or personal problem. The significance of the problem does not have to be substantiated, just assumed to be a problem. For example, the final round of after dinner topics dealt with high technology, the designer craze, divorce, American salesmanship, creating self-misery, people perception and the vocal image. The "serious point" presented at the end of each of these speeches also emphasized the significant nature of the subject.

Second, the speech must claim to be relevant to the audience. The speech on vocal image and people perception related directly to the field of communication; forensic quips were often utilized to create relevancy, but overall the topics were broad enough to touch the lives of most Americans.

Next, the topic must claim to be immediate. The various topics were current problems (designer craze, divorce, high technology) or perpetual problems (poeple perception or self-misery).

These arguments would not necessarily differentiate a persuasive speech from an after-dinner presentation. But what obviously does, is that an after-dinner must claim to be humorous by the use of such techniques as exaggeration, vocal variety, puns, jokes, body movement, and visuals.

If an after dinner speech is "to win" or rank highly, the arguments to the judge must be that the speech is at least significant, relevant, immediate and humorous.

An examination of the internal arguments of the after dinner finds a version of the Toulmin (1958) model of argumentation. Data is the most apparent element in after dinner speeches, and usually is in the form of humorous examples. In many, if not most instances, hypothetical cases function as data. For example, the speech on the "Age of the Designer" argued that we have been "invaded in every aspect of our lives" by such (actual) names as Gucci, Vanderbilt, etc. Needless to say the claim, "every aspect of our lives" had been invaded, was unqualified and unproven. But there does not appear to be any expectation on after dinner speakers to qualify their claims or prove them, in fact some of the humor comes from the use of exaggeration. It is a rarity to hear actual sources (e.g., Maslow) or general references (e.g., "sociologists tell us that we dress the way of our reference groups.").

But the use of data does not appear to be that essential for evaluative claims. Evaluative claims, according to Crable (1976), imply certain value judgments about what is the case, what was the case, or what will be the case" (p. 129-130). After dinner speeches usually present negative evaluation of the problem under consideration. Crable (1976) argued that "evaluative claims are not verifiable by empirical or sensory means" (p. 130). So the value judgments about divorce, designers, self-misery, etc., must rely upon such examples and exaggeration as posited in the after dinners.

Most after dinner speeches begin with claims (e.g., the greatest tool of the designer is the label), followed perhaps by other claims, concluding with the "serious point" which in some instances is a counter-claim. In the case of the designer speech, what begins as a claim that the designer's label is his/her greatest asset is in the end countered with the claim that "beauty is only label deep."

Informative Speaking

While, overall, after dinner speeches present evaluative claims, the informative speeches, overall, utilize the declarative claim, which are claims "advanced when the arguer is prepared to defend the idea that something is the case...." (Crable, 1976, p. 128).

If the intent of the speaker is "to win," it appears that a number of arguments must be made "to defend the idea that something is the case."

First, the argument must be made that the subject is significant. The following topics were discussed in the final round of the APA-NIET: hypnosis (and its uses in law enforcement, medicine, breaking habits), silicon chips (their "indespensible" uses in calculators, computers, etc.); the Kurzweil Reading Machine for the blind (its usefulness for the blind individual); holography (its uses in quality control, speech pathology, etc.), phobias (a problem suffered by 50 percent of the public, which in many instances have a high cure rate) and the human thumb (that which separates the human from other species). Significance of the subject might also be indicated by the scientific nature of each topic: the human anatomy, the psychological phenomenon, or the scientific advances of the chip, holography, or the Kurzweil Reader.

Second, the relevancy argument must be made. For example, the relevancy of the thumb goes "without saying." The silicon chips were described as relevant to the audience in terms of such items as watches, calculators, and educational instruments. The speeches on the Kurzweil Reader, holography, hypnosis, and phobias were related directly to the field of communication. Not only were these topics related directly to the forensic/communication audience, most would be considered current subject matter and not of the historical-informative variety.

Significance and relevancy alone could not create the arguments for an outstanding informative. What must also be argued is that the material is informative, that after hearing the speech, the audience will know or understand more. This argument is developed through the analysis of the internal arguments.

The general development of the declarative claim (that something is the case) is through a general pattern of (1) the something has a background; (2) the something operates; and (3) the something is useful.

The data for a declarative claim is primarily in the form of actual examples, visual aids, the object itself. Reasoning by analogy occurs less frequently, however, one such example of analogy was apparent in the speech on silicon chips. The speaker attempted to demonstrate the remarkable progress made in the chip industry by asking the audience to imagine if similar progress had been made in the automobile industry, a Rolls Royce could now be purchased for $2.50 and would receive 200,000 miles to the gallon. As remarkable as this may sound, the speaker essentially asks the audience to trust his word for the analogy, since no evidence is cited. It is not unusual in informatives to be presented with data (examples, analogies, etc.) which are undocumented. Source

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citation, if given at all, usually consists of little more than a researcher's name. It appears that a declarative claim requires more substantiation than an after dinner speech, yet less than persuasive presentations or communication analyses.

Internal argumentative rigor in informative speeches does not appear to be as essential as the overall argumentative demands that the speaker present a topic that is at least significant, relevant, and informative.

Persuasive Speaking

Overall, the persuasive speaker advances policy claims -- that something should be done (Crable, 1976). Significance continues to be a major argument that must be made in persuasive speeches. The 1981 finalists spoke on the "significant" problems of emergency medical care, caffeine consumption, the Internal Revenue Service's tactics, stagnation of the elderly, bendectin's relationship to birth defects, and the insanity plea. Whereas, the significance argument is attempted, my analysis will indicate these attempts are not always realized. While solutions to these problems are also outlined, most speeches are weighted toward proving a problem and not substantially justifying the advocated solution.

The argument of relevancy is not as explicitly emphasised in persuasive speaking as in informative speaking. Only in the following speeches were clear statements made relating the audience to the problem under discussion: emergency medical care (forensic travel and highway accidents) and caffeine consumption (most people are consumers). In the conclusion of the IRS speech, the speaker intimates that we are all potential victims of this agency, while relevancy in the elderly speech rest on the implicit fact that we are all potential elders. The speeches on bendectin and the insanity plea are unrelated to the audience, other than by being societal problems. In the solution area, the audience is called upon to assist in some capacity.

Crable (1976) wrote that one problematic audience demand upon the one making arguments is labeled "the demand for personal reinforcement" (p. 164). He explained that "although you may realize the possible divergencies in opinion at an intellectual level, you still may be tempted to judge argumentative communication from the standpoint of whether it is consistent with a position you maintain on the matter at hand: whether, for you, it is personally reinforcing" (p. 164). He went on to say this type of demand was unproductive and that "if the claims are significant, then they should be approached and evaluated on the basis of some standard other than mere similarity to what is already accepted" (p. 166). Whether or not judges make this unproductive demand of personal reinforcement, an examination of the 1981 topics seems to indicate that forensic competitors prefer to select topics (consciously or otherwise) which are congruent with existing audience values, attitudes or beliefs. For example, few people probably like the IRS, most people feel an altruistic desire to want to help the plight of the elderly, everybody wants to have the best medical care and avoid the risk of deformed children, and who wants to see those guilty of crime released to repeat their acts. Perhaps only in the case of caffeine consumption, does the speaker dare to create a sense of dissonance. For while most of us wish to maintain good health, it might not be at the expense of pleasurable pasttimes such as coffee, tea, and cola. Further investigation into the congruency demands of judges and the congruent positions taken by forensic speakers might prove interesting.

While few would dispute the Aristotlean argument that ethos is the most powerful means of persuasion, the credibility mode (defined here as personal involvement or authoritative appeals) appears to be undemanded by forensic judges, and likewise, generally not addressed by persuasive speakers. While the speaker's authoritative appeals seem to make little difference in the forensic event, expert evidence appears to be expected. Few speakers ever attempt to state what motivated them to persuade on the topic or whether they themselves are part of their own solution. With this the case, persuasive argumentation becomes little more than an informative problem-solution speech, supporting the declarative claims -- "this is the problem" and "this is the solution." Because of the lack of relevancy, authoritative appeals, and dependency upon congruent subjects, the intent "to affect change" seems to give way in this event to the intent "to win."

An internal analysis of the arguments suggest that proportionally more data is used in persuasion than in the other three prepared speech categories. More varieties of reasoning were also evident: sign, analogy, causal, examples.

In the effort to prove significance of each problem, some question of rigorous reasoning arises. To document a significant problem of birth defects due to bendectin, significant numbers of overall birth defects are not directly quote, but seemingly extrapolated from a Boston study indicating the probability of birth defects as less than 5 percent per 1,000. From this the speaker argues we should expect 3,500 -7,000 deformities per year. Though the speaker uses an empirical study, no definite figures of significance are quoted.

The significance argument is also interestingly supported in the insanity plea speech. Three case studies of psychotics committing crimes is used to demonstrate significance. One state's statistics on the insanity defense increasing five fold is also given. However, the audience does not know upon what the five-fold is based. Similarly the speaker on the elderly asserts that "thousands of elderly applied to elder hostels, but no room existed!" In this case, a citation is probably in order.

Similarly to the insanity plea speech, the IRS speech relies heavily on examples where the IRS harassed two politicians, a newspaper, and a couple with a VW. A concluding quote is designated to imply signficance, but does not necessarily mean anything other than IRS agents should be able to add or subtract: "agents should be able to discover errors in 99.9 percent of all returns if they want to."

In terms of demanding significance of arguments, judges may either be (1) accepting the inferential leaps that these few cases or extrapolated statistics grant significance or (2) not as demanding of rigorous proof for the significance argument (as might a debate judge). Likewise, in arguing a policy claim, a speaker must make more internal arguments than in declarative or evaluative claims, and thus has more likelihood of falling short of sound arguments.

Overall, significance of the problem must be an attempted argument in persuasion, but relevancy and authoritative appeals (ethos) do not seem critical. Satisfying the demands of personal reinforcement seems to be the norm.

Communication Analysis

A speaker performing a communication analysis basically advances a classificatory claim --"that something is, was, or will be of a particular kind, category, type, or classification" (Crable, 1976, p. 131). The classificatory claim is advanced by suggesting that a given communicative event or act can be categorized or examined by a particular analytical method (e.g., Aristotlean, Bitzer, Burke, Black, etc.).

In the 1981 AFA-NIET finalists, the following communicative acts or events were analyzed by the designated analysis: Using Brembeck and Howell's ethical standard of social utility, one speaker analyzed Metropolitan Edison's communication during the Three Mile Island incident. Another critic-speaker analyzed Ronald Reagan's acceptance speech by means of the Quest Story. Fisher's motive of communication was applied to Teddy Kennedy's speech at the 1980 Democratic convention. Bitzer's rhetorical situation is applied to Patrick Henry's speech before the House of Burgess. One speaker did a comparative analysis of the keynote addresses of Barbara Jordan and John Glenn at the 1976 Democratic Convention using Oliver's method of analyzing delivery. Finally, Gladstone's 1879 campaign for the House of Commons against rival Benjamin Disraeli was analyzed by the teachings of Whately (presumption, burden of proof, paradox, and deference).

To the audience, these speeches, campaign, and corporate communication would most likely be considered significant communicative acts, and if this was not evident the speaker would argue to that effect. Thus suggesting, once again, that significance must be argued.

Two-thirds of the final communication analyses (four) were communicative acts which occurred within the last five years; the other two analyses dealt with 18th and 19th century speeches. It might be argued that five out of the six analyses dealt with acts with which the audience would be somewhat familiar (Gladstone's campaign being the most notable exception).

The methods used for classifying the communicative acts were not the typical (e.g., Aristotlean, Burkean, or Black) methodologies. Though one speaker employed Bitzer's rhetorical stiatuion, a fairly common methodology, the analysis emphasized two particular aspects of the situation, the timing and the audience. While familiarity of the communicative act appears to be an important criteria, uniqueness of the methodology provides an added element of creativity to this event.

Since the analysis is a creative product of the speaker-critic, much of the data for claiming the classification system comes from the speaker's own interpretation of the act in the setting. This interpretation is apparently derived from the speaker's research. Thus, less evidence is cited in the communication analyses as compared to the persuasive speeches.

In only one instance did the speaker explicitly argue what contributions his analysis would make for those involved in the field of communication. The other five critics were content with concluding that indeed the communicative act fit the classificatory system selected, thus validating the method, and/or that the effectiveness of the act was a result of having met the method. All such causal arguments are subject to debate; however, because the speaker is the communicative critic, his or her authoritative appeals are more acceptable, perhaps, than in a speech where the arguments are the result of experts' work in the field. For example, the critic himself argues that the Kennedy speech embodies the motive view of communication using examples from the speech in an attempt to show how Kennedy tried to purify his image, affirm party unity, reaffirm the Democratic ideals, and subvert the Republican position.

It appears that in communication analyses, critics argue to a positive and confirmatory position rather than argue a negative analysis (e.g., this communication was ineffective because Bitzer's rhetorical situation was not followed, or the effectiveness of this communication is not explained by a given methodology). An interesting exception to this was in the comparative analysis of Glenn and Jordan. By comparing the positive aspects of Jordan's speech, the critic could point out the ineffectiveness of Glenn.

The final argument made in each analysis indicates a political, societal, or personal effect as a result of the communicative event. For example, the success of the Kennedy speech, according to Ribocoff, would establish Kennedy as the 1984 Democratic Presidential nominee, and the Wall Street Journal was quoted as saying that the Kennedy speech had gained him "new respectability."

After the Jordan-Glenn analysis, the speaker suggested that Glenn's keynote had ended his future political prospects. Any thoughts of Glenn as Carter's running mate died quickly, while Jordan's future brightened with implications that under a Democratic President, Ms. Jordan could be the next woman Supreme Court appointee.

Brockriede (1974) argued that "useful rhetorical criticism, whatever else it may be, must function as an argument" (p. 165). Of course, Brockriede's (1975) definition of argument contains five charcteristics: an inferential leap, a rationale to leap, a choice between claims, a regulation of certainty, and a willingness to risk confrontation From this definitional perspective, Brockriede does not consider classificatory communication analysis as very significant argument because as he said, "the critic makes no inferential leap; he is moving toward a predetermined conclusion within a closed system" (p. 169). Brockriede continued that the critic knows what he is going to find and merely puts examples in "appropriate cubbyholes." He also argued that classificatory claims provided little rationale, no choice, not much regulation of uncertainty, and very little risk of confrontation. Even if one accepts Brockriede's characteristics for argument and his criticism against classificatory claims, there is still a degree of each of these characteristics operating in classifying communicative acts.

What Brockriede (1974) advocated as more significant argument was explanatory criticism where the critic explains what has occurred by "relating it to something more general than itself" (p. 170). In other words, the critic would be providing more significant arguments if the critic explained rather than categorized the communication. None of the six communication analysis finalists explained the communicative acts from their own perspective, but rather classified via an established classificatory system.

Among other aspects, the successful communication analyses would most likely entail the following: a communicative act which was significant, had impact, and with which the audience is somewhat familiar; the use of a unique methodology, authoritative appeals, a positive and confirmatory analysis, and an overall classificatory claim as opposed to an explanatory claim.

Conclusion

Argumentation within prepared forensic speeches can be examined by the overall claims which must be made in each event to satisfy the judges' demands and thus help the speaker realize the intent "to win," if not, "to communicate." Internally, argumentation can be examined as to the strength of reasoning within each presentation, as apparently demanded by the judge. Overall, each prepared event appears to argue a different claim: the after dinner event, an evaluative claim; the informative event, a declarative claim; the persuasive event, a policy claim; and communication analysis, a classificatory claim.

One could argue that the 1981 national finalists in each event, had met the judges' argumentative demands and likewise the strength of reasoning demands.

From an examination of finalist presentations, it seems likely that the forensic community has established certain arguments that each speaker must make in order to be successful. Forensic educators need to critically examine whether the arguments as they currently exist or different ones, should be demanded for determination of argumentative success. For example, should more argumentative demands be placed upon persuasive speakers? Should more rigors of reasoning also be demanded? Should the demand for a classificatory claim be the only acceptable system for communication analysis? Is the use of data in each event as it should be?

Currently, the criteria for each event evolves out of the transaction between speaker and judge, and this process may be the most equitable arrangement; however, forensic educators may find establishing more rigorous argumentative standards advantageous to further the educational intent of forensics. On the other hand, more rigor in argumentation may interfere with the inherent qualities of each event and create nothing more than first affirmative after-dinners, informatives, persuasions, and communication analyses. The ways in which arguments are currently used in prepared events may not be crystalline, but a balance may have been established that responds to a degree of argumentation without sacrificing the unique characteristics of each event.

Bibliography

Brockriede, W. Rhetorical criticism as argument. *Quarterly Journal of Speech*, 1974, *50*, 165-174.

Brockriede, W. Where is argument? *Journal of American Forensic Association*, 1975, *11*, 179-182.

Crable, R.E. *Argumentation as communication: reasoning with receivers*. Columbus, Ohio: Charles E. Merrill Publishing Company, 1976.

Sayer, J.E. *Argumentation and debate*. Sherman Oaks, CA: Alfred Publishing, 1980.

Toulmin, S.E. *The uses of argument*. Cambridge, England, 1958.

DO JUDGING STANDARDS IN INDIVIDUAL EVENTS REFLECT AN ARGUMENTATION PERSPECTIVE?

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Proceedings from the National Developmental Conference on Forensics at Sedalia in 1975 posited a framework from which to view the educational activity of forensics: the argumentative perspective. In addressing the question of whether judging standards in individual events reflect such a perspective, it is necessary first to establish a working definition for the phrase "argumentative perspective."

While the more traditional definition of argumentation focuses on how advocates construct logical arguments, a broader definition focused on "reason giving" may include more than just logical appeals of argument construction. A definition generated from the Sedalia Conference which reflects this broader approach states that "an argumentative perspective on communication involves the study of reason giving by people as justification for acts, beliefs, attitudes, and values."[1] This perspective assumes that individuals make claims about the world around them and use a variety of methods to support such claims; as a result, "argumentation is not merely a verbal phenomenon."[2] With all that this broader perspective encompasses, both debate and individual events provide an excellent training laboratory for the development of argumentative skills.

A position paper presented by Malcolm O. Sillars and David Zarefsky at the Sedalia Conference advocated the use of this broader, audience-oriented approach to argument which includes

> reason, evidence, motive, value, credibility, language, etc., but contains them in a unified package that, for scholars in argumentation, can be understood only by looking at the whole argument in its social construct.[3]

Austin Freeley reinforces this broader perspective when he notes that "argumentation gives priority to logical appeals while taking cognizance of ethical and emotional appeals."[4] While some individuals might suggest that argumentation can exist and be evaluated outside a specific social context, it is the broader, audience-oriented perspective which encompasses more than logical argument construction that is most appropriately reflected by judging standards in individual events. An examination of the role of judges in intercollegiate forensics should aid in the acceptance of the audience-oriented approach to argumentation in individual events.

While most forensics educators would agree that both debate and individual events judges function as decision-makers and critics,[5] few would deny some uniquenesses in judging the two activities. From this basic premise, these unique characteristics which have a profound impact on the argumentative perspective of judging standards reflected in the two activities should be explored.

In the intercollegiate debate setting, the issues emerge through the clash of arguments presented and refuted by two opposing teams; thus, both sides in the debate attempt to present the strongest possible stance for their position through argumentation. As a critic for the debate, the judge provides constructive suggestions for improved argument and refutation on the written ballot. As decision-maker for the debate, however, the judge is asked to assume the role of an impartial, third-party observer of clash during the debate. In that role, the judge is asked to suspend temporarily his/her own ability to refute the arguments in the debate and be "guided only by arguments he or she hears in the course of the contest";[6] thus, the judge declares a winner on the basis of what actually occured in the debate as it was presented.

Unlike debate, the nature of the individual events setting is such that there is no direct clash and explicit argumentation among competitors. In a given round of individual events competition, whether it is extemporaneous speaking, poetry interpretation, or informative speaking, each competitor usually develops a different topic area for presentation. Only in impromptu speaking rounds where all contestants are asked to develop the same topic does a judge have any possible areas of comparison; yet even here there is no direct clash among competitors but rather independent development of the same topic.

Since the individual events judge cannot evaluate the development of an argument made by one speaker by the direct refutation from another speaker, he/she must first evaluate each contestant in isolation. To render [illegible] decision necessary in each round of competition, the individual events judge is forced to take an argumentative stance with each contestant individually. Thus, the clash that emerges in the individual events setting to determine the issues of a topic and the outcome of a round is an indirect clash involving implicit argumentation which flows from the individual speaker and a silent opponent--the judge. As a result, the role of the individual events judge becomes one of "involvement" and the dual roles of decision-maker and critic are not easily isolated in this setting. The application of argumentation principles for the student of debate lies in his/her ability to structure arguments and refute those of a "peer" through direct clash. The individual events speaker, however, must anticipate the implicit refutation of a silent antagonist--the judge.

While the judging standards in intercollegiate debate are at least partially enumerated on a standardized debate ballot (analysis, reasoning, organization, evidence, and delivery) and thus can more easily be linked to an argumentative perspective, no such formalized standards appear on most individual events ballots. One possible way to determine the standards employed by the individual events judge, however, can be gleaned in part from the description of each event provided to judges.

The American Forensic Association National Individual Events Tournament's "Description of Events" can be used to illustrate this point.

For example, the description of the communication analysis event identifies such possible judging standards as "carefully researched and developed," "applies a student's knowledge of rhetorical communication principles to a communication event," "pays primary attention to analysis (an explanation of why and how the event is significant)," "lesser attention to description (an attack or defense of the event)," etc. However, other events on the National Individual Events Tournament listing provide very few suggestions for concrete judging standards. An example can be found in the wording of the dramatic interpretation event: "A cutting from a play or plays of literary merit. Use of manuscript is required. Maximum time limit is 10 minutes, including introduction." Using descriptions such as the one for dramatic interpretation to evaluate the argumentative perspective reflected in judging standards does not provide the researcher with much substance.

Another potential means to approach such an investigation is provided in the results of pilot studies by Dennis Beagen, *et al*.[7] In an attempt to identify criteria commonly utilized in the judging of specific individual events and to evaluate the way in which those criteria are used by judges, a questionnaire was sent to the coach of each student who qualified for quarterfinals in specific events in 1979 at the American Forensic Association's and the National Forensic Association's national tournaments in individual events. A list, comprised of criteria suggested by one-half or more of the responding coaches, was utilized by judges who were asked to listen to an audio-taped final round of competition in the event and to indicate the importance of the criteria utilized on a scale ranging from one to seven, with one indicating "not important" and seven indicating "very important." An analysis of the resulting criteria in two events, one interpretation event and one original event, can serve to determine the extent to which an argumentative perspective is employed in the judging standards within intercollegiate individual events.

In the prose interpretation event, six criteria were identified as used by judges of that event. These criteria include the following: 1) selection of literary merit, 2) purposeful introduction, 3) cutting adheres to the content/intent of the literature, 4) clear differentiation/development of characters, 5) projection of moods/pacing of cutting, and 6) use of face/limited gestures to show emotions.

(1) Selection of Literary Merit

With this criteria, the judge is primarily evaluating the inherent worth of the arguments advanced by the *writer* of the literary work (prose fiction or non-fiction). Since the competitor is usually not the author of the selection, it might be possible to evaluate this criteria in the absence of the competitor. The judge's evaluation of this standard, however, reflects upon the speaker since he/she consciously selected that particular work for communication. If the judge believes that the selection lacks literary merit (such items as universality, individuality, and suggestion),[8] then the contestant has erred in the opinion of the judge and has not fulfilled one of the standards typically employed by judges of this event. If we accept the premise that "people often choose to express their conclusions about the world and to present their arguments in a variety of forms, including literary and aesthetic expression,"[9] then such a judging standard does indeed reflect an argumentative perspective.

(2) Purposeful Introduction

The introduction (and possible transitions) that the speaker employs are also used in the judge's evaluation. Since the introduction is the only time in the interpretive presentation when the speaker uses thoughts of his/her own creation, the judge evaluates the speaker's ability to establish logically the situation in the literature and relate the literature to the audience.[10] The judge may in part be seeking a clear statement of the theme and the "message" in the selection as it relates to his/her own life; thus, in the introduction the interpreter attempts to provide a clear justification for the judge to listen to the selection. This material may also include the speaker's attempt to pre-empt potential judge prejudices concerning the work itself, its content, or its author. If more than one selection is included in the prose program, the judge will expect to see the speaker give him/her sufficient justification for including these several pieces in the same program. As such, the introduction in prose interpretation is the only point where the judge evaluates the speaker's own words from an argumentative perspective.

(3) Cutting Adheres to the Content/Intent of the Literature

This third standard identified by coaches of national quarterfinalists in prose interpretation demands that the judge evaluate the speaker's ability to adapt the literary work to the time constraints of the competitive event. Since few prose selections can be read in their entirety in 8 - 10 minutes, the speaker must make choices concerning what to include and what to omit. The judge evaluates whether the speaker has effectively cut the material so as to maintain the smooth and logical flow of ideas as well as feelings inherent in the original work;[11] therefore, the judge attempts to determine whether the interpreter has retained the essence of the argumentative position advocated in the literature by the writer.

(4) Clear Differentiation/Development of Characters
(5) Projection of Moods/Pacing of Cutting
(6) Use of Face/Limited Gestures to Show Emotions

In using these three criteria as standards for evaluating prose interpretation, the judge focuses on nonverbal cues. These judging standards are encompassed within an argumentative perspective as well if we accept the premise J. Michael Sproule suggests:

> Argumentation is not merely a verbal phenomenon. It is well that I reiterate this point. Traditionally, verbal language and verbal argument strategies receive the greatest attention in works on argumentation. The reason for this is not difficult to understand. Written arguments are more available; written arguments are, in general, more permanent than spoken ones. They are more likely to be available for purposes of subsequent analysis. Also, written arguments are easier to deal with.

> When presented as a written statement, a claim is essentially a verbal thing. It consists of words and sentences that may be catalogued, compared, and diagrammed. But when an argument is presented in an oral setting, it becomes more complex. We have to take into account the speaker's voice, his gestures, mannerisms, body movement, etc. We must pay attention to factors such as voice tone and body movement because they give us clues as to how the words--the verbal symbols--are to be interpreted.[12]

In evaluating these three standards as argument, the judge attempts to determine if the nonverbal cues employed by the speaker are appropriate to the development and differentiation of characters inherent in the literary object. In addition, the judge evaluates the nonverbal cues provided by the speaker through his/her voice and body as appropriate to the mood changes inherent in the literature.[13] Such vocal nonverbal cues as rate, inflection, volume, and vocal quality are evaluated by the judge as well as non-vocal nonverbal cues such as stance, gestures, focus, and facial expression. The judge is not only evaluating the student's ability to project variety through the use of these cues, but also evaluating the student's ability to apply them appropriately to communicate what might be occuring at any moment in the literature. Thus, the judge utilizes these three standards to evaluate the contestant's ability to transform the argumentative verbal cues which the author has provided as justification for acceptance of his/her characters and their beliefs, attitudes, and values as reflected in their acts, into appropriate and convincing nonverbal (oral) manifestations of those verbal (written) cues.

In the persuasive speaking event, eight criteria were identified as used by judges of that event. These criteria include the following: 1) establishment of a significant problem, 2) indication of how the problem is related to the audience, 3) well-developed, workable solution, 4) clarity of organization, 5) use of a problem-solution format, 6) quality and sufficient amount of supporting evidence, 7) balance in types of evidence (emotional and logical), and 8) sincere, conversational delivery. Since a crucial aspect of the persuasion process is the judge's acceptance and adherence to arguments posited by the persuader, the argumentative perspective seems most appropriate for analyzing judging standards of this individual event.

(1) Establishment of a Significant Problem
(2) Indication of How the Problem is Related to the Audience
(3) Well-Developed, Workable Solution

According to Richard D. Rieke and Malcolm O. Sillars, three factors interact if persons are to adhere to arguments:

> their perception that the argument is rational, their perception that the argument employs values that are congruent with their values, and their perception that the argument comes from a credible source.[14]

If we accept these factors as crucial to argument adherence, then the judge's evaluation of the speaker's ability to adapt arguments to him/her has a direct bearing upon the effectiveness of the persuasion.

With the use of these criteria, the judge primarily evaluates the worth of two basic claims made by the speaker: the judge is affected by an important problem worthy of his/her consideration and there is a valid, rational approach to solving this problem. In evaluating support for these two claims, the judge expects the persuasive speaker to construct arguments adapted to him/her; specifically, since the judge's ability to accept and adhere to these two basic claims is influenced by his/her own attitudes, beliefs, values, and motives, the judge expects the persuasive speaker to anticipate the objections he/she may construct and adapt to them.

The impact of this argumentative perspective reflected in judging standards is apparent at a most basic level of persuasive speaking--topic selection.[15] Since Rieke and Sillars suggest that one crucial aspect of argument utilizes values consistent with their own, the persuasive speaker must acknowledge the impact of this judging standard from the outset of speech preparation. Recognizing that judges may possess objections to specific topics and that there is only a limited time (8 - 10 minutes) for the speaker to overcome these objections, the speaker may select a problem and solution which he/she perceives will invite relatively few objections from the judge. To ignore this judging standard may risk the judge's rejection of the topic selected by the persuasive speaker.

(4) Clarity of Organization
(5) Use of a Problem-Solution Format
According to Ch. Perelman and L. Olbrechts-Tyteca,

> if argumentation is essentially adaptation to the audience, in choosing the order in which arguments are to be presented in persuasive discourse, account should be taken of all the factors capable of furthering acceptance of the arguments by the hearers.[16]

If we accept the premise that the ordering of arguments is crucial to the persuasive process, then this judging standard can be examined from an argumentative perspective.

The use of organization as a criteria for evaluating effective persuasion typically refers to the structure selected for presentation of verbal arguments from which the issues of the topic will flow. The wording of the two specific criteria generated from this pilot study indicate that judges of intercollegiate persuasive speaking, however, are not particularly concerned with encouraging a variety of structural patterns; rather, judges are more concerned that the speaker utilize a familiar organizational pattern and one that is clearly presented.

The dynamic, on-going nature of the persuasive speaking setting has impact upon the judge's expectations with regard to the use of organizational structure in developing arguments. Unlike a written message which may allow the use of complex organizational patterns to be studied and discerned over time, the "orality" of the persuasive speaking setting requires the judge to demand clarity and familiarity with the organizational structure. As a result, judges usually expect the use of some form of a problem-solving format,[17] and the use of such clarifying stylistic techniques as "forecasting" and "signposting" to enhance organizational structure.[18]

(6) Quality and Sufficient Amount of Supporting Evidence
(7) Balance in Types of Evidence (Emotional and Logical)

Austin Freeley's definition of "evidence" states the following:

> Evidence is the raw material of argumentation. It consists of facts, opinions, and objects that are used to generate proof. The advocate brings together the raw materials and, by the process of reasoning, produces new conclusions.[19]

If we accept this definition, then these two judging standards clearly reflect an argumentative perspective.

In examining the use of evidence with respect to judging persuasive speaking, the two criteria reflect rather ambiguous judging standards placed on the nature and use of evidence. Such qualifiers as "quality," "sufficient amount," and "balance in types" are based solely on the judge's perceptual definitions and expectations surrounding these qualities. Since the individual events speaker has no peer opponent to question these definitions and expectations in the use of evidence through direct clash during the speech, the individual events speaker must anticipate the demands of the judge's perceptions and expectations concerning such qualities.

Realizing the one-time nature of the judge's critical listening role, the judge demands the speaker use extreme care in the raw data he/she selects to support verbal argument in the speech. For example, a judge may have specific expectations concerning the appropriate or inappropriate sources to be used for evidence; at the very least, however, the judge expects the speaker to provide sufficient resource documentation so that the impact of the evidence may be better evaluated in light of that source.[20] Further, the judge expects the evidence to reflect both logical and emotional appeals in the construction of the persuasive message.[21] If the speaker selects inappropriate or insufficient evidence then he/she has not fulfilled some of the basic expectations reflected in the judging standards for this event.

(8) Sincere, Conversational Delivery

As previously stated in the discussion of prose interpretation, argumentation should not be viewed solely as a verbal phenomenon.[22] Nonverbal cues may be used to enhance the impact of the verbal message as well as make a statement about the speaker's credibility. Perhaps the impact of nonverbal communication in the persuasive speaking setting is more profoundly felt through two demands made by the judge: the speaker must establish credibility which reinforces his/her ability to persuade and should utilize delivery techniques which assist the judge's understanding.

In an attempt to meet these two judging standards, nonverbal cues become crucial forms of evidence. For example, the judge expects to see dress which reflects a serious, professional attitude toward the persuasive setting; the judge expects such body language as posture, gestures, and movement to reflect a high level of confidence from the speaker; the judge expects such vocal characteristics as rate, volume, and inflection to reinforce the speaker's commitment to the persuasive topic.[23] Further, the judge expects such cues to enhance the listening process by signaling organizational shifts, separating and emphasizing ideas, and suggesting appropriate emotional responses.[24] If the speaker does not adapt his/her delivery to expectations reflected in this judging standard, the speaker may not be able to justify his/her own credibility as a speaker from an argumentative perspective.

In general, the ranking and rating of individual contestants in a round of individual events competition is determined by his/her ability to pre-empt the arguments of the judge. The results of the Dennis Beagen, et al. pilot studies suggest that judges tend to reward those argumentative skills associated with the nonverbal aspects of the communication more when evaluating interpretive individual events and reward the argumentative skills associated with the verbal aspects of communication more when evaluating the original individual events. Thus, the claim could be made that judges clearly shift the focus of their argumentative perspective when judging a variety of individual events. Conversely, students in intercollegiate individual events competition are given the opportunity to focus on the development of different argumentative skills as they participate in various events encompassed by the activity.

As a result of the preceding analysis, it should be clear that in the individual events setting the judging standards do reflect an argumentative perspective. Not all judging standards, however, need to be considered as totally argumentative. Perhaps this view was best expressed in the definitional statement which resulted from the Sedalia Conference:

> This is not to say that all communication is primarily or even essentially argumentative, but it is to say that forms of communication may be approached from an argumentative perspective.[25]

ENDNOTES

[1] James H. McBath, ed., *Forensics as Communication: The Argumentative Perspective* (Skokie, Ill: National Textbook Co., 1975), p. 11.

[2] J. Michael Sproule, *Argument: Language and Its Influence* (New York: McGraw-Hill Co., 1980), p. 256.

[3] Malcolm O. Sillars and David Zarefsky, "Future Goals and Role for Forensics," cited in James H. McBath, ed., *Forensics as Communication: The Argumentative Perspective* (Skokie, Ill: National Textbook Co., 1975), p. 85.

[4] Austin J. Freeley, *Argumentation and Debate: Rational Decision Making* (Belmont, Cal: Wadsworth Publishing Co., 1976), p. 8.

[5] McBath, *op cit*., p. 30.

[6] *Ibid*., p. 113.

[7] Dennis M. Beagen, James A. Benson, Sheryl A. Friedley, Raymond A. Quiel, and Larry G. Schnoor, "Empirical Analysis of Evaluation Criteria for Three Individual Events" (Papers delivered at the Speech Communication Association Convention, New York, November 15, 1980).

[8] See, for example, Charlotte I. Lee, *Oral Interpretation*, 4th ed. (Boston: Houghton Mifflin Co., 1971), pp. 8-15.

[9] McBath, *op*. *cit*., p. 11.

[10] See, for example, Wallace Bacon, *The Art of Interpretation* (New York: Holt, Rinehart and Winston, 1971), pp. 160-62; Alethea Mattingly and Wilma Grimes, *Interpretation: Writer, Reader, Audience*, 2nd ed. (Belmont, Cal: Wadsworth Publishing Co., 1970), pp. 310-312.

[11] See, for example, Keith Brooks, Eugene Bahn, and L. LaMont Okey, *The Communicative Act of Oral Interpretation*, 2nd ed. (Boston: Allyn and Bacon, 1975), pp. 175-181.

[12] Sproule, *op*. *cit*.

[13] See, for example, Marvin Gottlieb, *Oral Interpretation* (New York: McGraw-Hill, Inc., 1980), pp. 71-80; Chester Clayton Long, *The Liberal Art of Interpretation* (New York: Harper and Row, Publisher, 1974), pp. 29-43.

[14] Richard D. Rieke and Malcolm O. Sillars, *Argumentation and the Decision Making Process* (New York: John Wiley and Sons, Inc., 1975), p. 139.

[15] See, for example, Gary Cronkhite, *Public Speaking and Critical Listening* (Menlo Park, Cal: The Benjamin/Cummings Publishing Company, Inc., 1978), pp. 10-13; Douglas Ehninger, Alan H. Monroe, and Bruce E. Gronbeck, *Principles and Types of Speech Communication*, 8th ed. (Glenview, Ill: Scott, Foresman and Co., 1978), p. 55.

[16] Ch. Perelman and L. Olbrechts-Tyteca, *The New Rhetoric: A Treatise on Argumentation*, translated by John Wilkinson and Purcell Weaver (Notre Dame, Ind: University of Notre Dame Press, 1969), p. 491.

[17] See, for example, Wayne C. Minnick, *Public Speaking* (Boston: Houghton Mifflin Co., 1979), pp. 72-73.

[18] See, for example, Ehninger, *et al*., *op*. *cit*., p. 113.

[19] Austin J. Freeley, *Argumentation and Debate: Reasoned Decision Making*, 5th ed. (Belmont, Cal: Wadsworth Publishing Co., 1981), p. 74.

[20] See, for example, Donovan J. Ochs and Anthony C. Winkler, *A Brief Introduction to Speech* (New York: Harcourt Brace Jovanovich, Inc., 1979), pp. 23-25.

[21] Anita Taylor, *Speaking in Public* (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1979), pp. 226-227.

[22] Sproule, *op*. *cit*.

[23] See, for example, Pamela C. Leth and Steve A. Leth, *Public Communication* (Menlo Park, Cal: Cummings Publishing Co., 1977), pp. 68-71; Minnick, *op*. *cit*., pp. 122-133.

[24] See, for example, Donald C. Bryant and Karl R. Wallace, Fundamentals of Public Speaking, 5th ed. (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1976), pp. 364-376; Loren Reid, *Speaking Well*, 3rd ed. (New York: McGraw-Hill Book Co., 1977), pp. 230-265.

[25] McBath, *op*. *cit*.

ARE NEW EVENTS NEEDED TO ENHANCE A LABORATORY EXPERIENCE IN ARGUMENTATION?

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The laboratory is a place for experiment, where theories and ideas are critically tested and ultimately validated, modified or discarded. Forensics, as a laboratory for studying argumentation, has demonstrated the capacity for growth and improvement. Early theoriests mistakenly believed that forensic events would eventually stop changing and that forensic teachers would settle upon the most effective means of teaching argumentative skills. E. R. Nichols, for example, predicted in 1936: "If we have not reached maturity, doubtless we shall continue the restless and unsatisfied spirit that has made the history of debate a panorama of ever-changing and developing form, method, theory, and curricula. Whichever it is, we shall surely reach a fairly standardized position sooner or later."[1]

Nichols might be surprised to learn that rather than reaching maturity, forensics has continued to evolve in the intervening years since he surveyed the history of forensics. Even the most casual reader of Jack Howe's Intercollegiate Speech Tournament Results cannot help but notice the constantly changing pattern of forensic competition. One contemporary trend, the increasing interest in individual events, has caused dramatic shifts in the patterns of forensic competition in recent years.[2] Renewed interest in individual events makes it fitting to consider the effectiveness of these activities in educating students in argumentation. The "restless and unsatisfied spirit" of forensics that Nichols identified forty years ago still remains as forensics educators attempt to identify the strengths and weaknesses of the activities they teach. In contributing to this end, this study examines three questions: the identification of some of the argumentative goals of individual events in forensics; discussion of some weaknesses of the events in fulfilling those goals; and the suggestion of some possible innovations in individual events which might enhance their contribution to the laboratory experience in argumentation.

Forensics is one means to teach students the concepts and skills of argument as a means of communication and problem solving. While other papers at this conference deal in greater detail with the objectives and goals of individual events in argumentation, the concept of forensics as a laboratory experience justifies consideration of the individual events as an integral part of a student's learning experience. The National Developmental Conference defined forensics in 1974: "Forensics is an educational activity primarily concerned with using an argumentative perspective in examining problems and communicating with people. An argumentative perspective in communication involves the study of reason giving by people as justification for acts, beliefs, attitudes and values. From this perspective, forensic activities, including debate and individual events, are laboratories for helping students to understand and communicate various forms of argument more effectively in a variety of contexts with a variety of audiences".[3] This definition links forensics to the pursuit for a liberal education. Hardly a new idea, A. Craig Baird foresaw such a role for the activity in 1923: "The subject thus provides a method; it does not offer a selected body of material to be appreciated. It sets the student's mind to work in ways that lead, or should lead, to greater elasticity of thought, power to state great issues, judgment in their solution, increased facility in the communication of those judgments, and, if the course has been thorough, some ability to resolve a complex world into a unit."[4]

Rather than simply a means of competition or a process for examing a narrow range of decision making techniques, Baird believed that the study of argument was a device for exposing students to their considerable humanistic legacy:

> Argument. . .will include the whole field of philosophy, science, literature and ethics. . .If argumentation, the peculiar province of which is to deal with large issues, is to give students a detached survey of things, access to its broad field must not be denied. The student's reading in the course will include both the Congressional Record and Morley's Possible Utility of Error. The student will write and speak on such topics as government control of the railroads, fundamentalism, law and justice, immorality, the scientific basis of optimism, art and decency, individualism, socialism, pacifism, Eugene O'Neill and recent drama, Walt Whitman, the World Court, and evolution. Considerable was lost when the colleges abandoned the literary society debates. . . .[5]

The laboratory experience in argumentation ought to provide the breadth of knowledge envisioned by Baird. Individual events have a critical role to play in fulfilling this laboratory experience. There are several specific goals which describe the potential of individual events to achieve the humanistic ends of forensic competition.

1. Individual events should teach effective rhetorical skills. Debate is frequently criticized for failing to effectively teach communication principles. While not excusing the need for greater attention to the communicative implications of contemporary debate, individual events should at least complement debate by providing training in those rhetorical principles, such as persuasive delivery, in which debate may be deficient.

2. Individual events should teach audience adaptation as a particular rhetorical skill. Many critics assert that the skill of audience adaptation differentiates debate and individual events.[6] The variety of individual events ideally necessitates the conceptualization of a wider number of audience preferences to fulfill the diversity of communicative purposes of these events.

3. Individual events should teach the appreciation and use of a variety of forms of evidence and argument. Individual events require the speaker to marshall different claims and supporting materials than

are typically found in debates. Rather than relying almost exlusively on authoritative and factual claims as are typically found in debate, the individual events speaker is expected to provide the listener with a greater variety of devices, such as motivational proofs and personal experiences which are presumably similar to the types of proofs required in "real life" communicative circumstances.

The rich variety of individual events makes it unlikely that every event will accomplish all the possible objectives of individual events competition. Taken together, however, participation in a diverse number of events should enhance the liberal education of a student by providing him or her with the opportunity to examine arguments from different perspectives which have not been provided through debate. Unfortunately, actual individual events practice has not necessarily lived up to this ideal.

The consideration of the effectiveness of individual events in teaching argumentation is complicated by two factors: a paucity of experimental and philosophical investigations into the goals and outcomes of the events, and a lack of consensus about the objectives of individual events. Frequent charges have been levied challenging the assumptions and processes of academic debate, while very little similar attention has been paid to individual events. In fact, the criticism of debate frequently found in the academic community may be one cause of the renewed interest in individual events. Perhaps the most significant criticism of debate charges that the activity fails to fulfill the rhetorical objectives commonly asserted for it. Herman Stelzner, for example, describes debate as "emasculated rhetoric."[7] Perhaps debate is easily criticized because of some general acceptance of the objectives that debate ought to fulfill. No such consensus seems to exist for individual events.

We may start with a basic question as to whether individual events should even be considered as being primarily concerned with the teaching of argumentation. A very legitimate perspective considers individual events to be primarily a means of teaching public speaking through the duplication of various communicative situations, while debate is a means of teaching problem solving skills, traditionally viewed as the subject matter of argumentation.[8] Faules, Rieke, and Rhodes correctly note that the unique nature of most forensic events makes the accomplishment of either goal suspect.[9]

Current practices in individual events and the apparent divergency between the debate and individual events communities emphasizes the genuine confusion about the role of individual events in argumentation. Today, a large number of students participate either in debate or individual events, rather than both. This division of forensics reflects the fundamentally divergent views of the laboratory experience that exist between forensic educators. Those participants and programs emphasizing debate do so partially on the basis that debate requires much more work and involvement, and hence is more beneficial to the student. Those concentrating on individual events contend that the diversity of the events provides the student greater benefit in communicative and analytical skills than does debate.

Even more significant to the confusion about the role of individual events in argumentation is the absence of theoretical discussion about individual events and argument. Recent years have found numerous studies of the relationship between debate and decision making, as well as the implementation of many decision making concepts into the actual practice of academic debate. No similar relationship exists between individual events and decision making.

While the lack of serious consideration of the argumentative goals and practices of individual events is significant, equally as important are some of the actual practices of individual events which detract from the ability of individual events to successfully teach argumentation. Henry McGucken, for example, criticizes the performance and analytic weaknesses of the individual events: "Extemp and impromptu frequently seem to stress the glib over the thoughtful, interp to stress the actor's finesse over the literary insight, and oratory may be the saddest event of all, for that event possesses the greatest potential for exercising reasoned eloquence. Instead, tournament oratory has given rise to a specialized form of discourse, a "third sophistic" plumbing the affective depths of style and delivery, poor rhetoric and worse poetry, a kind of speech presently unheard and unheard of anywhere except in oratory contests."[10] The weakness of individual events in teaching argumentation results from several characteristics of the events.

One of the major factors which undermines the laboratory value of individual events is the absence of opportunities for refutation or other forms of feedback from other competitors or the judge-critic. The opportunity for immediate feedback and refutation is one of the unique characteristics of argumentation as a form of decision making. Most theories of argument provide for refutation as an important means of critically arriving at a decision. The testing of ideas through their subjection to the strongest attacks of an informed opponent is valued as the best means of arriving at an approximation of truth or a wise decision in a given situation.[11]

Very little opportunity for refutation or immediate feedback exists in contemporary individual events competition. With the exception of the extemporaneous speaking event offered by the National Forensic League for high school students, no individual event exists in general practice which allows the other competitors to challenge or attempt to refute the arguments presented in the speech. In fact, the tendency toward "multiple entries" in individual events makes it more likely that a competitor will present a speech to a single member audience, a judge. This trend toward little or no audience contact is disturbing in light of the fact that the lack of an audience has frequently been one of the major flaws assessed against debate as a rhetorical activity!

Most tournament practices request that the judge not provide oral critiques during the round. Only occasionally the rules for extemporaneous speaking permit the judge to ask a question at the end of the speech. The learning which takes place from competitive individual events rounds is predominately experiential, which may or may not be the most beneficial type of learning for the student. Tournament practices also typically provide a judge with too little time to write comments on an individual events ballot which itself permits little flexibility to the critic to provide meaningful feedback or analysis of the student's performance.

While such procedures may be necessary to enhance the competitive experience in individual events, the lack of immediate oral feedback and the paucity of effective written feedback undermines the optimal learning experience for both the student and teacher. Both parties should presumably profit from the argumentative experience of the individual events, where the student presents arguments and the listener comments upon or challenges those arguments in an effort to improve the quality of discourse. This is far from the reality of current practice. Henry McGucken effectively stated the point: "Not to utilize the professional talents of teachers who sacrifice their weekends; who abandon their families; who have their marriages threatened; and who brave the hazards of traffic, sleet, and snow to keep their appointed rounds belittles their remarkable commitment. To forbid them, by tournament rules, the right to teach, is downright perverse."[12] Is it any wonder then that forensic education is marked by a constant turnover of teachers leaving the activity?

In summary, serious flaws in the laboratory value of individual events stem from a failure to achieve consensus regarding the value of particular individual events in teaching argumentation; the lack of opportunity for refutation; and inadequate use of feedback from judges and other participants. Perhaps some modifications in existing events and tournament structures or some new events are needed to more adequately utilize individual events in teaching argumentation.

Any time new events or serious modifications of existing events are proposed the inevitable dilemmas of forensic time and money arise. Financial exigencies may be the single most important factor in shaping forensic practice. The explosion of new events; multiple entries; and restrictive tournament schedules; all probably resulted as a measure to conserve scarce financial resources. It would probably be more harmful than helpful to the activity in the long run to invoke even the most educationally productive changes if such alterations would result in fewer high schools and colleges being able to participate in the activity.

Another factor justifying caution in a complete or significant overhaul of individual events practice is our relative ignorance about the effects of individual events participation on the students. While some evidence exists that debate participation may aid in the research and analysis skills of students,[13] little systematic study into the particular effects of individual events participation has been attempted. While all forensic directors have anecdotal evidence and "informed hunches" about the effects of individual events on students, this type of evidence does not replace the very necessary systematic empirical study which is required if we are to truly understand the role of individual events in the shaping of educated students.

Any long term changes in the practice of individual events should be accompanied by additional philosophical inquiries and empirical studies of the role of individual events in argumentation. It has become almost fashionable to complain about the lack of research about various aspects of forensics while acknowledging the other pressures on teachers who participate in the activity. This Summer Conference has made an excellent step in correcting the problem, but the need to clarify our means and ends is an on-going priority. Perhaps it is time to examine whether forensics would be better served through fewer tournaments and more time devoted to research.

Within these constraints, however, exists an opportunity for improving individual events practice. The two national individual events tournament at the college level provide opportunities for change. The statue afforded these tournaments by the mainstream of the individual events community suggests that if either or both of these tournaments offered experimental events, or proposed modifications of existing events, many tournaments would follow suit. The National Forensic League national tournament plays a similar role in high school forensics.

There are some potential changes in events which might enhance their laboratory value. First, increased utilization of refutation techniques in individual events seems appropriate. One good method might be to extend the use of the National Forensic League system of extemporaneous speaking, where students ask each other questions. The spirit of competition makes it likely that students could expose the fallacies of reasoning much more readily than could the judge. This would also avoid placing the judge in the position of having to argue with the speaker rather than analyzing the speaker's performance in the round. Another refutation technique might be to allow students to give brief responses to persuasive speeches and communication analyses, where weaknesses in analysis and evidence usage might be exposed. The purpose would not necessarily be to enhance the ranking of a questioner in the round, but to encourage the spirit of cooperative inquiry and advocacy, which is the only legitimate undergirding of forensics as an academic activity.

Some organizations are already trying to promote the greater use of refutation techniques at the college level. The Northern California Forensic Association, for example, offers an event called "parliamentary debate" designed to provide students with the opportunity for refutation and analysis as is suggested here. Similarly, many community college tournaments utilize "advocacy debate" as a format, which also stresses analysis and reasoning skills.

Second, judges should be encouraged and provided with the opportunity to present both oral critiques and expanded written critiques of speakers. The oral critique is a much more immediate form of feedback and would allow the student the opportunity to understand the flaws in his or her analysis or delivery and question the judge about those reactions the speaker does not understand, enhancing the educational value of the competition. If it is unfeasible to schedule events which allow judges more time to write comments, perhaps a "short form" individual events ballot could be used, as is done in debate, to allow the judge to write comments without the pressure of turning in a ballot quickly to immediately rush off to another round.

Third, tournament directors should examine the rationale for encouraging speakers to enter multiple events in a single tournament. The current competitive system permits a situation where audiences in individual events rounds are almost non-existent, as competitors present their speeches and then immediately leave for another round. Virtually no beginning class in public speaking is conducted in such a way that a speaker talks only to a single person audience. If individual events are to be justified as a means of duplicating communicative situations and developing better audience adaptation and public speaking skills, care must be taken to fulfill that end. Justifying individual events or debate simply on the basis of providing an experiential learning experience is inadequate to the task of justifying the expenditure of many dollars for literally a few minutes of speaking time at a tournament. We sometimes assert that students gain more value by participating in many events despite having little evidence to justify that allegation. While it is true that many speakers in many events may result in "more trophies and experiences per dollar," this pragmatic justification may obscure the greater harm being done to the best interests of the students. While it is easy to admire the success and stamina of the student who is able to enter and win many events, one wonders about the larger number of less talented students who do not have the opportunity to observe the skilled speaker and learn from oral critiques or the observation of that student's speaking. It also seems difficult to accept the notion that giving a prepared speech many times before a single judge-listener provides much in the way of effective experiential learning. The almost familial nature of most forensic tournaments may only result in individual events speakers giving the same speech to the same judge-critic, lessening even the amount of audience adaptation that is necessary in the event.

A fourth change might be to offer some new events or revisions of existing events to orient them more in the direction of teaching desirable argumentative skills.

1. Greater use could be made of events such as "negotiation" or "argumentative analysis" which already exist in several tournaments.[14] One way of adapting individual events to the need to teach argumentation is by selecting events which specifically attempt to build particular argumentative skills. Both negotiation and argumentative analysis emphasize some specific argumentative skills (e.g. compromise, the recognition of fallacies, and the adaptation of claims to particular audiences) which are very justifiable alternatives to debate as means of teaching argumentative skills. Negotiation, as an event, requires students to confront a hypothetical bargaining situation and devise appropriate responses. Argumentative analysis provides students with an argumentative statement, such as speeches, editorials, campaign letters, etc. which the student is expected to analyze to discover the arguments and test those arguments through the application of various theories and methods of argument evaluation. Both these events emphasize particular argumentative skills not found typically in other individual events.

2. Greater use could be made of editorial commentary as a forensic event. Editorial commentary, where a speaker takes an editorial position on a particular issue, is apparently used more frequently at the high school than the college level. Jack Howe's index shows only one tournament listing that event in 1979-1980.[15] Although similar in purpose to persuasive speaking, the nature of editorial commentary makes it necessary for the speaker to choose particular arguments and compact those arguments into a short period of time, as if the speaker were delivering the editorial on a television program. When performed well, the event emphasizes clarity and specificity of arguments as well as the adaptation of arguments to diverse audiences. The event has proven very popular for students.

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High school tournaments in Washington state using this event report entries equivalent to and sometimes larger than the more traditional individual events.

3. Greater emphasis should be made on the analytic as opposed to the performance aspects of individual events in general, and oral interpretation in particular. Perhaps no event is as difficult to analyze from an argumentative perspective as the oral interpretation events. While interpretation events possess aesthetic values, it seems difficult to build an argument that performance-oriented events have particular value in teaching argument. For example, where is the argumentative value of an event entitled "comic book reading?"

The strength of oral interpretation in teaching argument may come from renewed interest in the thematic approach to interpretation. Selecting a central theme and illustrating the theme through various literary selections is analagous to other forms of argument. The benefit to the student comes from engaging in the process of content analysis rather than selecting interpretations simply for their shock or entertainment value. Interpretation contests seem to depend less upon analysis of literature than upon finding a selection which fits a formula for competitive success. For example, a student in prose interpretation discovering that very frequently winning selections consist of cuttings written in the first person; having some dialogue; utilizing some humor; and ultimately leading to a dramatic ending. Rather than analyzing the content of literature, the student attempts to discover selections which would fit the formula.

Some theorists oppose the use of thematic selections in interpretation contests. This perspective argues that thematic selections narrow the choice of literature, leads to the overuse of certain themes, and the distortion of the author's intent in the literature. While such criticism may be legitimate, it may also be the result of inadequate student training rather than a flaw in the general approach. In any event, many of these criticisms are not unique to the thematic approach,as there is also a tendency in non-thematic contests for particular selections to be frequently used.

The argumentative value of oral interpretation comes from its role in enhancing a student's broad knowledge of aesthetic principles and standards. Exposing students to high quality literature presumably makes them better rounded, and thus, better educated individuals.[16]

These are simply a few of the almost limitless number of ideas that seem appropriate for consideration in individual events contests. Individual events may be improved through stressing events which allow for refutation. Greater attention should be devoted to utilizing the judges' feedback in rounds. Consideration should be undertaken as to whether multiple entries in individual events are promoting the best possible educational experience. New events, such as argumentative analysis, negotiation, and editorial commentary, as well as a return to thematic selections in oral interpretation, may also improve the argumentative values of these events.

In summary, individual events undoubtedly have an important role in teaching argumentation. If forensics is a factor in a liberal education, the exposure of students to a wide variety of debate and individual speaking activities seems crucial. Individual events can serve to teach aspects of argumentation that are not being taught in debate rounds. Unfortunately, current practices in individual events do not fulfill that goal. Lack of consensus about the argumentative goals of individual events and a lack of emphasis upon factors such as feedback and refutation all limit the value of the events. Some new events may be useful to improving the argumentative value of individual events, assuming that such improvements are accompanied by more analysis and research into the objectives of individual events and the effects of individual events participation on students.

Individual events have a unique educational value not found in debate or other competitive activities. Skill in public speaking has been valued in Western civilization since the Golden Age of Athens. As earlier teachers reassessed the value of declamation and elocution as teaching devices, so too must we constantly explore the assumptions underlying contemporary events. The scientific imperative underlying the idea of forensics as a laboratory for studying argumentation demands no less.

FOOTNOTES

[1] E. R. Nichols, "A Historical Sketch of Intercollegiate Debating III," QUARTERLY JOURNAL OF SPEECH, 23 (1937), 275-276.

[2] Jack Howe and James St. Clair, editors, *Intercollegiate Speech Tournament Results XIX* (Long Beach, California, 1980), pp. 96-97.

[3] James McBath, editor, *Forensics As Communication* (Skokie: National Textbook Company, 1975), p. 11.

[4] A. Craig Baird, "Argumentation as a Humanistic Subject," QUARTERLY JOURNAL OF SPEECH, 10 (1923), 260.

[5] Ibid., 262-263.

[6] Cf. Don Paules, Richard Rieke, and Jack Rhodes, *Directing Forensics: Contest and Debate Speaking* (Denver: Morton Publishing Co., 1976), pp. 43-45.

[7] Herman Stelzner, "Tournament Debate: Emasculated Rhetoric," SOUTHERN SPEECH JOURNAL, 27 (1961), 34-42.

[8] Paules, Rieke, Rhodes, pp. 49-50.

[9] Ibid., pp. 45-50, 54-55.

[10] Henry McGucken, "Forensics in the Liberal Education," WESTERN SPEECH, 34 (Spring 1970), 137.

[11] Many books and monographs articulate this view. For example, Douglas Ehninger and Wayne Brockriede, *Decision By Debate* (New York: Dodd, Mead & Co., 1963), p. vii.

[12] McGucken, 136.

[13] Irene Fraser Rothenberg and Joan Berman, "College Debate and Effective Writing," TEACHING POLITICAL SCIENCE, 8 (1980), 21-39.

[14] Howe & St. Clair. "Argumentative Analysis" is offered as a college event by Humboldt State University (California). "Negotiation" is offered as a college event by CSU, Sacramento (California).

[15] Howe & St. Clair. Lower Columbia College (Washington) is the only school listed that offers this event. Of course, other tournaments may offer the same event under different names or tournaments offering the event may not be listed in this tournament results book.

[16] Cf. Jack Rhodes, "The Selection of Materials for Contests in Oral Interpretation," JOURNAL OF THE AMERICAN FORENSIC ASSOCIATION, 8 (1972), 135-138.

THE RE-UNION OF ARGUMENTATION AND DEBATE THEORY

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Over fifty years ago, Warren Choate Shaw established the goal of argumentation research to be "the creation of a mechanical set of rules" whereby objective decisions for the public good could be reached.[1] Since then the field of speech communication has been concerned with perfecting the means of public discussion and debate. As challenges to democratic institutions arose, this mission seemed to have gathering importance. As J. Jeffery Auer wrote: "/P/olitical scientists, sociologists and educators in general are coming more and more to a realization that in the realm of resolving important questions of public policy the democratic process can be efficiently and effectively applied only when the citizenry is intelligently informed so that there may be an exchange of information and ideas in a cooperative process, for the resolving of ideas."[2] In the free inquiry afforded by public discussion, momentous problems were to be examined and solutions suggested. In the clash of opposing advocates within the public forum, these proposals were to be fairly heard and justly weighed.[3]

Although concern with public argument remains strong, the single set of rules which might guide the formulation, interpretation, and evaluation of public debate have become supplanted by more complicated theories of argument. From earlier conceptions of argument as a combination of classical rhetoric and pragmatic social philosophy, theorists in the 1950's began striving to integrate the findings of propaganda research and attitude change theory, of Toulmin's philosophy and Perelman's rhetoric. In the 1960's and 1970's, perhaps inspired by Natanson and Johnstone's work in philosophy and rhetoric, the personal dimension, or dialogical quality, of argument became a central focus of study. Presently, scholars search far afield to incorporate the insights of modern philosophers, psychologists, sociologists and linquists into the preview of argument.[4]

Even as these advances are made, a significant gap seems to be developing between theories of argument and theories of debate. Many contemporary theorists do not extend their insights into the realm of debate.[5] So even though more is known about, say the operation of ordinary language rules of cognitive functioning in argument, the implications of this knowledge for the practice of public advocacy remains unclear. When argumentation theorists do attempt to apply state of the art theories, the results are frequently confusing. For example, one recent text begins by extolling the virtues of personal openness and risk and then closes by laying out the assumptions of cybernetic decision-making and probability analysis. Another purports to identify field related rules while maintaining a chapter on traditional logical fallacies.

The purpose of this essay is to attempt to reestablish a coherent frame of reference for theories of argument and theories of debate. My aim here is not to present a new set of rules or procedures. One thing that is certain is that debate theory itself is debatable. Hence any theory of argumentation is itself subject to the tests of advocacy. My intent is rather to examine debate as a paradigm case of argumentation, and to establish the range of disagreements that may be reached in a debate over public issues. If all argumentation involves the creative resolution (and the resolute creation) of uncertainty, then an academic policy debate is in some respects the purest example of argument. The decision rests upon a judge with nothing more at stake than deciding correctness of the arguments. The advocates are free to present any combination of reasons rather than subscribe to the codes, procedures, and limited perspectives of a specialized field. Therefore, if the kinds of arguments possible in an academic public policy debate can be discovered, an organizing principle may develop which identifies the types of insights that can be made by the study of one possible level, field, or argument variety bound up in individual and social processes.

The essay will be divided into four parts. The first two will explain the possible levels of argument attended to by (1) the judge, one called upon to participate in argument as a form of decision-making, and (2) the advocates, those called upon to create arguments in behalf of a course of action. The next section will identify the possible contributions of argumentation study to debate theory. The final section will identify the unique contribution of debate theory to theories of argument.

I

Debate as a Method of Decision-Making

When a judge is asked to decide a matter between two disagreeing parties, debate becomes a pragmatic form of communication, distinguishable from other pragmatic forms (dual demagoguery, for instance) by expectations that speakers adhere to the rules of the forum and the precedents of critical deliberation. This expectation governs the interpretation (understanding and evaluation) of discourse insofar as it is assumed that the "protagonist enters into an agreement of a special sort; and this is to give his opponent an opportunity to correct him, not only presenting the other side of the issue but also by probing the pertinence or wisdom of the correction urged."[6] Consequently each side is expected to make the best case for its respective position and against that of the opponents.

Such an agreement alternatively to advocate and to criticize may be said to be characteristic of "arguing," however, the expectations governing interpersonal argument and those governing debate are somewhat distinct. In informal argument, the rules which govern the construction of discourse may be assumed to be fluid, half-formed, residing at the level of general cultural awareness.[7] In debate the boundaries and purposes of argument are more sharply defined by the expectations of advocates who adhere to procedural requirements of the forum, as in a court of law, and speak to the interests of the audience, as in political debate. Thus, whereas interpersonal disputation is typically fluid, ephemeral, private and more loosely bound, debate is more formal, enduring, public, and governed by expectations stated in the codes of the forum and historically embodied by precedents set by the audience. Consequently, from the perspective of "arguing," the interpretation of discourse may be appropriately examined as a mode of social behavior, but from the perspective of debating, the interpretation of discourse is appropriately examined within a method of decision-making. Of course even the loosest interpersonal argument may have similarities to a debate and in debate advocates always engage in social behavior, but what distinguishes the two modes of viewing discourse is that the judge of a debate is asked to make a decision which is understood to be constrained by a particular process to which those involved adhere. The witness of an interpersonal argument need not make any such assumption or commitment.

If debate is construed to be a way of formulating discourse such that adequate reasons emerge to resolve controversy and build consensus, then the study of argument as a method of rational decision-making is justified. Currently, two models of debate as method vie for ascendency, and depending upon which model is selected, both empirical generalizations about how debate occurs and normative assumptions about how debate ought to occur are determined.

The first model has been variously labeled the "reasonable citizen," "public advocacy," or merely the tradition method of debate.[8] While it is invariably presented with accompanying techniques for logical analysis and audience adaptation, debate is formulated as an expectation that advocates present proofs within discrete categories so that appropriate burdens are fulfilled in arriving at a reasonable decision. These categories of interpretation, derived from classical rhetoric and modified by John Dewey's conception of How We Think,[9] function both as modes of invention for discovery and of interpretation for understanding and evaluating argument.

As a consequence of its aim, this model of debate as method is rather simply formulated in that if any responsible advocate or citizen could but adhere to its principles, problems could be discovered, causes assessed, solutions evaluated, and the consequences weighed. The emphasis, here, is upon the discovery of a logical sequence of considerations which are to be proven before any call to social action can meet the "prima facia" requirements of acceptability.

While this model continues to be serviceable, despite variations within the interpretation of its categories, a new method of debate vies for attention.[10] Its origins go back to post World War II governmental management problems.[11] Whereas the old model had the democratic goal of emphasizing citizen participation, the systems analysis or policy-making model is oriented toward improving the decisions of an educated elite who must govern a complex world.[12] Consequently, debate as method is refocused from a common activity to an elite responsibility, from a broad attempt to define consensus to a specialized requirement for social actors operating within constraints from the discourse most appropriate to a public forum to specialized languages insulated within technical forms of decision-making.[13]

Where such transfer of function and purpose occurs, changes in the method of debate can be expected. These changes in turn lead to different interpretations of arguments. First, in one model, the concept of cause is important, in the other, it is irrelevant. To the ordinary citizen the concept of cause is well understood, as imprudent conduct leads to disastrous results. In systems analysis, however, the inability to establish objectively causality, forces the debate to focus upon alternative ameliorations.[14] In the old model, debate pitted advocates of change against defenders of the status quo. Again, the assumption makes sense as one can foresee either the adoption of an activity or its cessation and choose accordingly. In the systems analysis model, however, change always occurs and the major question is how to guide it.[15] Finally, in the traditional model of debate the method focuses upon correct judgment in regard to accepting or rejecting the resolution. The subject matter of the debate is thus bound by its germaneness to the resolution; the advocates are expected to answer "the question" the resolution was designed to resolve. In systems-analysis (especially in the advisory or bureaucratic mold) debate focuses on the best means of resolving whatever problems are within the jurisdiction and duty of the decision-maker. The resolution is relevant only as a starting point for discussing productive solutions to problems that must be confronted in any case.

There are persuasive reasons to employ either the traditional or systems model. The traditional model is better at establishing grounds for a broad consensus because this method of interpretation is closest to intuitive understanding. Within this model personal prudential conduct can be extended to envision government action. The systems analysis model, by contrast, frequently seems either counter-intuitive or arbitrary. Yet apparent vice often nurtures virtue, for it is not always the case the prudential wisdom is superior to the unexpected relationships disclosed by theoretical understanding. The dispute between the superiority of prudential and theoretical wisdom continues.[16] However, what is important for uncovering the full dimensions of judgment is the realization that the selection of method for understanding argument is grounded in accepting a risk that cannot be calculated within the method itself. Thus, understanding how the product of argument is interpreted is incomplete without understanding the risks which the selection of a particular method inevitably bring into play.

One way of understanding these risks is to examine the historical traditions and communities which typically employ the methods of decision-making. The traditional model seems to be grounded in a conservative political tradition (as conservatism is now viewed) by its emphasis on practical, deliberate, and well-tested argument before change is rendered acceptable. The systems analysis model seems to be grounded in a liberal political tradition (as liberalism is now viewed) by its emphasis on change, theoretical knowledge and abstract values guiding change toward maximum social utility.[17] Yet from the perspective of debate as method, traditional and community groundings have been left unexplored.

Nowhere is this lack of understanding more evident than in concepts of presumption. Presumption is a key term in any methodological determination of debate because it postulates the relation of the judge or decision-maker to the process for the purpose of creating the most consistently correct outcome. In both models the judge is supposed to attend the debate within a strictly neutral perspective, in one model for the sake of the general public welfare, in the other for the sake of correct technical decisions. Yet, the traditional model bespeaks a conservative presumption as a burden is placed on the advocates of change and the status quo is granted at least continued existence--which may not necessarily be true.[18] The systems analysis model bespeaks a liberal presumption as everything is in change and the individual's perception of risk of change is only an indeterminable, subsidiary consideration.[19] Methodological choice thus reflects a commitment to a perspective which implicity or explicitly entails some risks and not others. In selecting a method one selects a perspective; and, depending upon the method, preference for abstract or concrete values, common understanding or elite opinion, permanence or chance is displayed. To take a side is a political act, and even the most impartial decision-maker cannot avoid such a dimension to choice.

In coming to understand argument from the perspective of a product which must be interpreted and decided upon, we have moved from understanding arguing as social behavior to viewing its social consequences as enacted in a forum, from interpretation as adding up facts to a search for correct methods to guide choice, and finally from the dispute over methods to an understanding of the consequences of such choice as selection over time forms communities and traditions.

II

Debate as Technique

The second orientation is that brought by the advocate. Herein debate is typically viewed as the enactment of technique. Whereas the judge is oriented toward reaching a final product, the decision, an advocate is oriented toward executing arguments in the best manner possible, hence, the process. As the communication form unfolds that which distinguishes debater from judge is a distinct orientation toward the interpretation of argument. Other orientations are possible, but these seem to be beyond the realm of policy debate which seeks a timely decision on a matter of some consequence. For example a judge concerned with process of argument as only process may interpret argument in line with aesthetic norms; an advocate concerned with the product of argument only as product may be concerned with the timeless validity of argument or philosophy.

That which distinguishes debate technique from other perspectives of communication techniques--group discussion for example--are certain customs assumed to be appropriate to following the rules of the forum and adhering to the expectations of the audience. At a general level technique is constrained by the certainty of an opponent who will have to be confronted, at some risk at least to the outcome of the decision. In group discussion, techniques may be adopted appropriate to the assumption that there exists no irresolvable dissensus within the group; thus, alternatives may be suggested; positions taken and abandoned; the arguer can decide to participate or not. In debate, however, it is assumed that consensus has failed and that the setting provided for open disagreement to some extent reflects an opportunity to demonstrate the superiority of a case whose subject matter is important, uncertain, and timely enough to warrant attention by the audience. Even when debate assumes a largely ritualistic social function, the minds of the decision-makers having largely been made up, still the adversary process demands that the advocate employ the best possible techniques due to the risk that losing a position might precipitate change or at least embarrassment.

Advice is so varied that it is more difficult to isolate schools of thought on technique than it is to locate methods of decision-making. Nevertheless, two different schools of technique can be delineated, and, depending upon which school is accepted, the processes of creating and countering arguments may differ. The first school of thought formulates the process of debate primarily in terms of critical analysis; the second, in terms of psychological synthesis.

Emphasis on argumentation as a critical instrument of thought is conducive to analytical technique. In this framework debating becomes a process of breaking down or resolving arguments into smaller parts. From the vast morass of public statements, items are selected as potential issues; from these, actual arguments are presented and countered in front of a judge; and, at the end of the process, those issues which have withstood the critical test are proven and should, if the judge is rational, be accepted. The process of debating, then, is reductionistic, delivering up the truth through a process of discriminate selection. Debate texts are filled with suggestions for critical analysis of proof, reasoning, etc.

Emphasis on arguing as a way of inducing motivation is conducive to synthetic technique, grounded in the assumption that human beings do not necessarily decide to act on the merits of logical analysis alone, but must also feel the grounds of their actions.[20] In this process, technique is governed by the ways the subject matter can be adapted to the possible beliefs, values, drives or constructs of the audience. This kind of technique differs from the critical perspective in that it assumes that the best way of debating is not one that merely pursues logical testing for its own sake, but one that maximizes the chances of motivating the audience. Consequently, whereever possible, critical objections become transposed into positive reasons for adopting a particular course of action. Thus, in the extreme case, a debate in which advocates emphasize critical technique may end with the destruction of all arguments via tests of logical validity and critical cogency; a debate in which synthetic techniques are employed may end arbitrarily as the last speaker transforms the last objections into claims for mutual agreement.

The selection of technique involves a risk to the arguer. On the one hand, if criticism is perceived as nit-picking, quibbling for its own sake, then the arguer may be perceived as disingenuously blocking an idea which is overall acceptable. On the other hand if synthesis is perceived as indiscriminantly controverting all objections into still further positive motivations, the arguer may be perceived as disingenuously abadoning prior reasons and merely trying to sell a point of view. In either case, the choice of technique involves risking rejection of the resolution as the judge may discount arguments as mere transparent strategies. Since the advocate can never know before hand how the argument will be taken by the judge, how then should technique be chosen?

In part the selection of technique may depend upon the social knowledge available to the arguer.[21] Understanding of appropriate rules and procedures concerning the presentation of facts, data, opinions, and reasons may reveal the formal constraints within which he or she is expected to operate; examination of acclaimed and discarded discourse may also serve up guidelines for appropriate technique. In forums which are technical or professional, analytical arguments and critical strategies may be the system. Weighing the subtle uncertainties created by doubt is the task of the decision-maker steeped in the knowledge, traditions, and refinements of a particular field.[22] Herein motivation is assumed by the role of participation within a field; the audience knows in general what must be done if a given sequence of proof is successfully demonstrated. The major question is what proof can withstand the tests of argument. Synthetic arguments and psychological strategies may often be seen as appropriate to a more general public, less experienced with the ways of analysis and precedents on like matters.

Unfortunately for the arguer the world is not so neatly divided up. Special audiences must eventually adhere to more general decisions, and, general publics become divided into particularized forums as decisions on behalf of the whole are enacted. Thus, to emphasize the accepted technique risks rejection either by the specialized audience or by the public. Social knowledge may be quite useful for suggesting technique but it is not determinitive, for the advocate bears the responsibility of choice, risking either immediate or long term rejection of a position which is supported. How these risks are formulated and accepted depends upon a wider understanding of argument, namely its ethical dimension.

In a sense ethics has always been ascribed a role in debate, albeit an extrinsic one. Advocates are supposed to meet the requirements of fairness, honesty, and truthfulness. These norms can be either accepted or ignored by any particular arguer. All that is certain within the advocate's role is that arguments will have to be constructed so that an opponent will be overcome in the eyes of a judge. However, to choose to employ a technique is to make an ethical choice, risking either one's own good or that of the community or both. Emphasis toward criticism makes the statement that it is more important to arrive at a well defined decision rather than to act precipitously. Emphasis toward motivation is to make the statement that it is more important to act than to know for certain. In either case the strategy of argument may engender an incorrect decision for which one may be held accountable, delaying an otherwise good action by presenting too rigorous proof standards or inducing acceptance of an otherwise bad action by pressing too lax proof standards. To the extent the arguer misleads through an error in judgment, the effectiveness of further discourse is undercut as proofs become discounted as mere strategy. To the extent arguments become a way of successfully advancing the interests of all mankind, perhaps beginning at first with establishing the values of a particular community, ethical choice becomes a guide to selection of technique. As Hans Gadamer explains:

> The person who is experienced in the world, the man who knows all the tricks and dodges and is experienced in everything there is, does not as such have the right understanding which a person who is acting needs; he has it only if he satisfies one requirement, namely that he too is seeking what is right, i.e. that he is united with the other person in this mutual interest. The concrete example of this is the phenomenon of advice in 'questions of conscience'. Both the person who asks for advice and the person giving it assume that the other is his friend. Only friends can advise each other or, to put it another way, only a piece of advice that is meant in a friendly way has meaning for the person advised. Once again we discover that the person with understanding does not know and judge as one who stands apart and unaffected; but rather, as one united by a specific bond with the other, he thinks with the other and undergoes the situation with him.[23]

As arguments are made so the character of the advocate becomes assessed as he or she asks the audience to share a vision of the truth and a future together. Understanding the consequences of technique deepens knowledge of ethical choice in the unfolding of forums and publics. This understanding becomes part of social knowledge as actors and institutions within historical situations become known for the ways in which they create arguments.

In coming to understand argument as a process we have moved from interpreting argument as a form of discourse which demands overcoming an opponent to concern with particular strategies for enacting discourse, from the potential of each kind of strategy to understanding constraints of specialized and generalized forums, from the relative success of each kind of technique to the ethical underpinnings intrinsic to the success of technique.

III

The Contribution of Argumentation Theory to Debate

Recently David Swanson suggested that "it is possible to identify three vantage points from which inquiry into the nature of knowledge ...[may] be conducted." "The mundane stance [within the natural attitude], taking experience as unproblematic, prompts examination of an objective, indubitable world. The critical stance [within the natural attitude] uniquely focuses interest on the facticity or accuracy of experience. The reflective attitude, in contrast holds the structures of experience themselves up to scrutiny."[24] In any given debate, judges and advocates may not find all three levels of understanding germane. However, since these levels are possible sources of creating and evaluating arguments within a debate, the levels of thought provide a vital organizing principle for integrating argumentation theories into theories of debate.

As any arguer can argue within a given level of understanding or move toward a more encompassing perspective, so too argumentation theorists may contribute to an understanding of argument by either dwelling upon one level of interpretation or moving across all three. For example, by exploring the level of mundane interpretation the theorist could uncover the elements of argumentative competence attributed to naive social actors; at the critical level, the theorist could explore the variety of methods and techniques available within given forums or social constructions of reality; at the reflective level, the theorist could uncover the political and ethical dimensions of choice unfolding in the lives of arguers and communities. Other programs of study are possible, of course, but what is important to note is that claims to superior or inferior specimens of argument and kinds of study need to be qualified by the level of understanding the theorist strives to achieve. Also, since it is possible to explore the orientation of judge or advocate within each level, claims to exclusivity of a point of view, product or process, are rendered moot. The complete study of argument invites investigation of both orientations and all levels of interpretation. A few examples of theoretical contributions underway may prove helpful in illustrating this thesis.

Contributions made by the study of the mundane stance: Professor Charles Willard's work with social actors caught in the act of advocating and critiquing represents an attempt to explore a rather large segment of heretofore largely unexamined discourse.[25] Such research may uncover the kinds of discursive and non-discursive elements employed as a matter of course in arguing. Willard's constant plea to go back to the interaction itself prods us to fill a gap in the study of argument which has existed for many years.

It may also be productive to study argumentation as the product of naive rule application. One way to accomplish this task is to examine the limitations of grammar, logic, and language which social actors consciously and/or unconsciously accept in producing arguments. Such studies, however, need not be exclusively empirical, for example one could study Professor Willard's own arguments to explore the minimal requirements of logic, grammar, and language in producing an argument within an academic forum. Following the lead of Grice, Austin, Searle and others, argumentation theorists are currently investigating the rules implicit in ordinary language.

Contributions made by the study of the critical stance: Not only empirical and formal studies are useful. Equally as valuable are normative and heuristic investigations. Normative studies which aspire to discover correct methods for interpreting, evaluating and deciding upon the products of arguers seek to uncover the relation of argument to correct judgment. The current debate over "traditional" and "systems-analysis" argument as an appropriate tool of decision-making is capable of rendering insight into the problems of public discussion and debate. However, the debate over method extends beyond the realm of deliberative judgment to controversy over how any argument should be interpreted and evaluated. Claims that arguments are primarily nondiscursive, at this level of understanding, must be somewhat limited. As Dohn Ihde has explained "even the distinction between linguistic and non-linguistic phenomena...must be made linguistically."[26] As the interpretation of arguments among naive social actors and otherwise itself becomes problematic, alternative methods of judgment are selected and advocated.

Heuristic interpretations of argument are valuable in suggesting techniques for advocates who must engage in the process. Taken as a whole contemporary explorations in technique are becoming rich in suggestive avenues for advocacy. From the more enduring tests of logic and critical analysis to the changing realms of social contexts, forums and audiences study in technique continues to be ongoing.

Contributions made from the perspective of the reflective attitude: Study of the mundane stance is directed toward uncovering the constructs or rules which make arguments and arguing possible. Study of the critical stance is directed toward uncovering the methods or techniques which guide correct or appropriate choice. Study from the reflective perspective is directed toward uncovering the wider-groundings of choice revealed in the movement from mundane to critical to reflective levels. At this level of interpretation, the question, how did I/we come to understand arguments and arguing in this (these) ways, is continually reexamined. The answer to this question is found in reflection on the unfolding of the ways in which people come to advocate and dispute matters engendering choices which create and destroy communities, define and change themselves.

IV

Contributions of Debate to Theories of Argumentation

Thus far, the possible levels of argument within policy debate and the possible contributions of argumentation theory have been explored. The task which remains is to explain the value of academic debate practice in developing and refining theories of argument. If debate only involved the application of theoretical principles to particular subject matter, then its contribution to theoretical issues in argumentation would be minimal. Each particular debate would involve only amassing materials, formulating contentions, communicating ideas, and deciding which advocates exhibited fewer flaws. Seen in this light, debate could become nothing more or less than instances of rule applications. Yet, as happens in so many rounds of contempo- 446 rary intercollegiate debate, disputes inevitably occur not only in regard to the application of logical tests for reasoning and evidence, but also in regard to the theoretical contexts in which objections are raised and proofs offered. So far, these disagreements have mainly stemmed from competing paradigms, the traditional and policy-making modes previously discussed, but the possible horizons made available by reflective thinking present exciting possibilities for developing and testing theories of argument within the process of debating itself.

One long-standing restriction that has inhibited debate theory from proceeding to incorporate questions of political philosophy and societal values has been the dictum that policy debate must concern means never ends. Within the previews of the traditional and the policy analysis models of debate argument is supposed to be only an instrument of decision-making. Debate and rules for debaters emanate exclusively from the goal of assessing costs and benefits to society which should choose a particular course of action or adhere to the "status quo." The methods of debating, of presenting, critiquing, and deciding issues are thus supposed to turn only upon a self-informing logic of analysis. So entrenched is this dictum, that many argumentation theorists refer to "value" debates as an entirely different species of argument. Yet, as my previous analysis hopefully demonstrated, all methods of argument and decision-making presuppose certain values; hence, what is supposed to be only a discussion of means, can, and often does, evolve into discussion of ends. As debaters formulate rules for the evaluation of arguments and criticism of alternative paradigms, the question of the purposes of making a particular argument, its basic underpinnings, are drawn into question. If debaters are permitted, indeed even encouraged, to pursue arguments wherever they might lead, the neatness of rule formulation in forensics must be given up, but what is added is a link between debate and significant questions of theoretical value and social consequence. Testing theories of argumentation within the process of public advocacy thus becomes possible.

My major claim is, then, that debate over questions of policy is not distinct in kind from argumentation concerning facts, values, and theories, but only in emphasis. As such, policy debate is not only a means for testing the predictive worth of government action, it is also a way to confirm or disconfirm values. Policy debate is not only an instrument of decision-making, it is a way of constituting or critiquing forms of social life. Except by the most arbitrary restrictions, policy debate always involves, either implicitly or explicitly, questions of means and ends, facts and theories. If this analysis is correct, then the competition between paradigms, advanced by advocates in the realm of intercollegiate debate, becomes not a sign of weakness, of mere confusion, but a sign that debate itself has become the testing ground for academic and social theories of argument. In this light debate may become an ideal speech situation, where the only allegiance of the participants is to the argument per se. Consequently, the possibilities for testing theories of argumentation become significant. Consider the implications in terms of the potential value of debate to social and academic theories of argument.

1. Argument Fields: One of the well documented phenomena of contemporary society is the breakdown of reasoning processes into specialized fields, each with its own definitions of data and claims, its own hierarchy of warrants and tradition of backing. Policy debate contributes to the study of fields in three ways. First, by virtue of its focus on social issues which cross field-lines, the viability of field definitions may be tested. For example, if crime is seen only to be a legal problem, but legal remedies do not work, then what had been the function of the law may need to be transferred to some other field by redefining the nature of the social problem. Second, policy debate may test the greater value of field reasoning. Some methods of decision-making designed to serve a particular field, such as cost-benefit analysis in the defense department, might be applicable to other domains. Policy debates afford the opportunity to extend localized applications of special reasoning processes to other social problems. Third, since policy debate treats problems as whole, and not from the perspective of a single field, such analysis may discover the need for the creation of a new type of social reasoning, either a juncture of two specialties or the elimination of some responsibility or authority of a field that does more harm than good. Especially as greater degrees of expertise and specialization are developed, policy debate provides a way of testing the merits of these new vocabularies, technologies, and procedures against more general conceptions of problems and the common good.

2. Analysis of Social Structure: If debate were only a question of means, then the ultimate social causes of problems may not be relevant. All that would need to be determined is whether this program or that was cheaper, technologically more up to date, and capable of treating the symptoms of social-ills. Yet, debate often may bring within its perview questions of greater social significance. If the underlying networks of influence which create the conditions for the problem are not changed, then the old problem merely re-emerges in new ways. Consequently, debate may hinge upon questions of restructuring social motivations and the need or advisability for doing so. Herein debate preceeds beyond the discussion of alternative ameliorations to greater issues concerning the social make-up of America and/or the industrialized versus the underdeveloped world. In this domain, issues concerning the effectiveness and ethical dimension of the techniques for social influence become significant.

3. Political Implications of Policy Choice: Another possible area of policy debate is the feasibility of certain public actions, given the contemporary political milieu. If debate only concerned the instrumentalities of action, then such questions would be moot. The most sweeping changes imaginable could be "fiated" into existence arbitrarily, without attention to their political ramifications. Of course, for purposes of discussion, a proposed policy must be granted some way of implementation, but to treat debate as only a way of evaluating one particular means of social action is to pretend that timing, political climate, and possible repercussions to other, better programs are irrelevant concerns. Since the advocation of any particular policy ultimately impinges upon the ability to advocate others,

or perhaps even retain present policies seen to be worthwhile, to ignore the practical questions concerning political consequence is to engage in a somewhat narrow view of the world. What kinds of political consequences, how they are predicted, and whether they should play an intrinsic role in evaluating the merits of proposals are questions with which all public advocates have to contend. In this respect, policy debate might contribute to a greater understanding of political argument.

4. Questions of Value: There are two ways policy debate touches upon questions of value in argumentation. First, abstract and concrete values may form the basic contentions at issue in advocating alternative directions for government action. By bringing into conflict traditional definitions of such terms as equality, free enterprise, and liberty, for example, and questioning the correctness of these definitions against what are purported to be more perfect exemplars of social value, advocates continue the process of redefining the democratic tradition. Additionally, by arranging values into hierarchies through argument (establishing that one is more important than another, causally linked, or in need of greater repair) debate becomes more than an exercise in problem solving but a way of constructing social visions. Here debate becomes a way of projecting and deciding alternative views of social value and reality through argument.

Not only may values provide explicit goals for directing public policy, they play an important role in debate when the presuppositions of certain methods of decision-making or advocating are uncovered and disputed. What may have been thought to be a value-free method of establishing the wisdom of certain alternatives may be found to contain hidden assumptions about the role of government and the reliability of information. For example, the wisdom of making policy on reports of "nuclear reactor safety" could be called into question, not because these reports were not made with exacting state of the art technology, but because the reports made certain assumptions about safety and how accidents occur that presumed a value that is unshared.

Debate can contribute to argumentation theory by developing methods of value analysis. This includes discovering how values can be used as motivating forces in the advocacy of social action, exploring ways for proving the significance of certain values, examining how value clashes arise and are resolved, and finally, by developing methods to uncover value presuppositions in systems of argument. The materials for policy debate are inherently bound up in discussion of values.

5. Social Knowledge: If debate is expanded beyond the horizon of particular paradigms, then traditional patterns of argument expressed in social knowledge become important. One of the greatest prospects for advancing argumentation and debate theories is the area of case development. The state-of-the-art is now somewhat unrefined. A case is comprised of contentions and a plan. It may be phrased

either in terms of advantages and/or claims of need, with appropriate subpointing. True goals and criteria cases offer some variety, but by in large, suggestions for ways to develop new case forms are meager.

One method of developing debate, which becomes possible if the strict instrumental view is modified somewhat, is to look to the possibility of argument genres. These genres are constituted of traditional ways of formulating and debating social issues. The traditions of public argument within the democracies of the West provides a fertile resource, suggesting paralled developments in policy debate. Among the available genres of argument, are those concerning the traditional justifications of war, questions of economic distribution and viability, reform arguments. If policy debate was seen to be linked to the traditional defenses and attacks upon issues concerning the common weal, then debate could contribute to argumentation theory by testing the continued acceptability and worth of such social knowledge.

Whether in the area of argument fields, value disputation, social analysis, or political assessment, development of debate theory has much to offer students of argumentation. Beyond that knowledge which can be provided by philosophical speculation or in field research among naive social actors, debate offers a challenge to those who construct theories of argument to test those theories through an impartial and intense encounter of advocates. As practices of argument in debate continue to evolve, there is much of worth that can be shared with those who would study argumentation.

[1] Warren Choate Shaw, "Systematic Analysis of Debating Problems," Quarterly Journal of Public Speaking, 2 (October 1916), p. 344.

[2] J. Jefferey Auer, "Tools of Social Inquiry: Argumentation, Discussion and Debate," Quarterly Journal of Speech, 25 (December 1939), p. 533.

[3] Henry Lee Ewbank and John Jefferey Auer, Discussion and Debate: Tools of a Democracy (New York, 1951), vii. See also James H. McBurney and Glen E. Mills, Argumentation and Debate: Techniques of a Free Society (New York, 1964), iv; Russel R. Windes and Arthur Hastings, Argumentation and Advocacy (New York, 1965), 3-31; Austin J. Freeley, Argumentation and Debate: Rational Decision Making (Belmont, California, 1961), 2-5. Most debate texts continue to prepare students for public advocacy and judgment in the traditional mode.

[4] Wayne Brockriede and Douglas Ehninger, "Toulmin on Argument: An Interpretation and Application," Quarterly Journal of Speech, 46 (February 1960), 44-53; Ray D. Dearin, "The Philosophical Basis of Chaim Perelman's Theory of Rhetoric," Quarterly Journal of Speech, 55 (October 1969), 213-224; Henry W. Johnstone, Jr., Philosophy and Argument, (Pennsylvania, 1959); Hans-Georg Gadamer, Philosophical Hermeneutics, David E. Linge trans, (Berkeley, 1976); Hans-Georg Gadamer, Truth and Method, (New York, 1975); Susan Langer, Philosophy in a New Key: A Study in the Symbolism of Reason, Right, and Art, (Cambridge, 1942); Ernst Cassieer, The Philosophy of Symbolic Forms, v. I-III, Ralph Manheim trans., (New Haven, 1955); Alfred Schutz, The Phenomenology of the Social World, George Walsh and Frederick Lehnert, trans., (Evanston, 1967); Alfred Schutz, Collected Papers I: The Problem of Social Reality, ed. Maurice Natanson, (The Hague, 1962); Collected Papers II: Studies in Social Theory, ed. A. Broaderson, (The Hague, 1964); Thomas McCarthy, The Critical Theory of Jurgen Habermas, (Cambridge, 1978); George A. Kelly, A Theory of Personality: The Psychology of Personal Constructs, (New York, 1955); Jesse G. Delia "Constructivism and the Study of Human Communication," Quarterly Journal of Speech, 63 (April 1977); Jesse G. Delia, "A Constructivist Analysis of the Concept of Credibility," Quarterly Journal of Speech, (, 1976) 361-375; Harold Garfinkel, Studies in Ethnomethodology (Englewood Cliffs, 1967); Heinz Werner, The Comparative Psychology of Mental Development, (New York, 1948); Aaron V. Cicourel, Cognitive Sociology: Language and Meaning in Social Interaction (New York, 1974); Charles H. Cooley, Human Nature and the Social Order, (New York, 1922); George Herbert Mead, The Philosophy of the Present, (Chicago, 1932); George Herbert Mead, Mind, Self, and Society, (Chicago, 1934); Herbert Blumer, Symbolic Interactionism: Perspective and Method, (Chicago, 1969).

[5] Debate theory and argumentation theory seem to be developing as two distinct genre. Argumentation theorists for instance while reconstructing whole paradigms of epistemology have failed to extend their insights to debate or to test the implications of their theories vis a vis formal argumentation and debate contexts within social forums. See for instance Charles Arthur Willard, "The Epistemic Functions of Argument: Reasoning and Decision Making from a Constructivist Interactionist Point of View - Part II," *The Journal of the American Forensics Association*, 25 (Spring 1979), 211-220; Charles W. Kneupper, "Paradigms and Problems: Alternative Constructivist/Interactionist Implications for Argumentation Theory," *The Journal of the American Forensics Association*, 25 (Spring 1979), 220-228. Both Kneupper and Willard try to answer the question what theory is appropriate to understanding arguments. My investigation asks a somewhat different question: how can different levels of interpreting argument be studied. Thus the hermeneutic task is not to decide what things qualify or not as arguments but to discover the kinds of understanding possible when discourse is taken to be argumentation. From this perspective debate becomes a focal point because among social actors and theorists it is an agreed upon instance of an argumentative stance.

[6] Douglas Ehninger, "Argument as Method: Its Limitations and Its Uses," *Speech Monographs* 38 (January 1970), 102.

[7] Charles Arthur Willard, "A Reformulation of the Concept of Argument: The Constructivist/Interactionist Foundations of a Sociology of Argument," *Journal of the American Forensics Association*, (Winter 1978), 121-141.

[8] See Austin J. Freeley, op. cit.; Wayne N. Thompson, *Modern Argumentation and Debate*, New York: 1971; and Russel R. Windes and Arthur Hastings, op. cit.; Arthur Kruger, *Modern Debate: Its Logic and Strategy*, (New York, 1960).

[9] Most traditional debate texts reflect as categories for interpretation, construction, and evaluation of arguments John Dewey's categories of reflective thought. "We now have before us the material for the analysis of a complete act of reflective activity. In the preceding chapter we saw that the two limits of every unit of thinking are a perplexed, troubled, or confused situation at the beginning and a cleared-up, unified, resolved situation at the close. The first of these situations may be called *pre*-reflective; there results a direct experience of matery, satisfaction, enjoyment. Here, then, are the limits with which reflection falls. In between as states of thinking are (1) *suggestions*, in which the mind leaps forward to a possible solution; (2) an intellectualization of the difficulty or perplexity that has been *felt* (directly experienced) into a problem to be solved, a question for which the answer must be sought; (3) the use of one suggestion after another as a leading idea, or *hypothesis*, to initiate and guide observation and other operations in collection

of factual material; (4) the mental elaboration of the idea or supposition as an idea or supposition (*reasoning*, in the sense in which reasoning is a part, not the whole, of inference); and (5) testing the hypothesis by overt or imaginative action." (*How We Think: A Restatement of the Relation of Reflective Thinking to the Educative Process*, 2nd ed., Boston: 1933, pp. 156-157). Most texts follow a pattern of stock issue analysis and presentation similar to Dewey's steps of reflective thinking. See for example: A. Craig Baird, *Public Discussion and Debate*, Boston: 1928, 78-81. James Milson O'Neill and James Howard McBurney, *The Working Principles of Argument*, New York: 1932, 57. See also: "Hermogenes on Stasis: A Translation with an Introduction and Notes," *Speech Monographs*, 31 (November 1964), 370.

[10] Bernard L. Brock, James W. Chesebro, John F. Cragen and James F. Klumpp, *Public Policy Decision-making: Systems Analysis and Comparative Advantaged Debate*, (New York, 1973), 13-14.

[11] See Ludwig von Bertalaffy, *General Systems Theory: Foundations, Development, Applications*, (New York, 1968). Kenneth Boulding, "General Systems Theory--The Skeleton of Science," *Management Science* II (Fall 1965), 197-200. Daniel Katz and Robert L. Kahn, *The Social Psychology of Organizations*, (New York, 1966).

[12] Fred Hapgood, "Risk-Benefit Analysis," *The Atlantic*, (January 1979), 33-34.

[13] *Ibid*.

[14] Brock et. al., 1-17.

[15] *Ibid*.

[16] Jurgen Habermas, *Theory and Practice*, John Viertel trans,, (Boston, 1973), 41-82.

[17] G. Thomas Goodnight, "The Liberal and the Conservative Presumptions: Political Philosophy and the Foundations of Public Argument," Proceedings of the Utah Conference on Argumentation (Summer 1979), 31-40.

[18] *Ibid*.

[19] Brock et. al., 154.

[20] Charles A. Willard, "Propositional Argument is to Argument What Talking About Passion is to Passion," The Journal of the American Forensics Association, 16 (Summer 1979), 26. "My position stands are falls on the idea that non-discursive symbolism is more important than

discursive vis-a-vis meaning and that propositional analysis is unrealistic, atypical of ordinary falls, and often trivial." While such a view may be adopted by an advocate who seeks to be effective, hence using whatever means he hypothesizes to be effective. From the perspective of judgment some *method* of understanding is necessary less problematic decisions become perceived on his own part as entirely random.

[21] Thomas B. Farrell, "Social Knowledge," *Quarterly Journal of Speech* (February 1976), 116.

[22] Steven Toulmin, *Human Understanding; The Collective Use and Evolution of Concepts*, (Princeton, 1972). Brant R. Burleson, "On the Analysis and Criticism of Arguments: Some Theoretical and Methodological Considerations," *The Journal of the American Forensics Association*, 15 (Winter 1979), 21-28. Burleson's rather ambiguous notion of "substantive contexts" - "a locus of ideas and relationships shared by members of a community" - is a less restrictive concept of appropriate technique than Toulmin's treatment of rational enterprises.

[23] Hans Gadamer, *op*. *cit*., 288.

[24] David Swanson, "A Reflective View of the Epistemology of Critical Inquiry," *Communication Monographs*, 34 (August 1977), p. 209.

[25] Charles Arthur Willard, "A Reformulation of the Concept of Argument: The Constructivist/Interactionist Foundations of a Sociology of Argument," *Journal of the American Forensics Association*, 14 (Winter 1978), 121-140; "Argument as Non-Discursive Symbolism," *Journal of the American Forensics Association*, 14 (Spring 1978), 187-193.

[26] Dohn Ihde, *Sense and Significance*, (New York, 1973), 183.

JUDGING PARADIGMS: THE IMPACT OF THE CRITIC ON ARGUMENT

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The successful operation of intercollegiate debate programs require the existance of a broad concensus about judging paradigms so that debaters may anticipate reasonably consistent standards will be applied in judging their efforts.

The purpose of this study is to discover areas of agreement and disagreement about judging paradigms. The questions used in the study were formulated in informal shop talk discussions with coaches, guest judges and debaters at tournaments during the 1980-1981 debate season. The questions were phrased in their final form during the 1981 National Debate Tournament. On May 1, 1981 the questionnaires were mailed to 77 judges, 36 guest judges and 124 debaters who were participants in the 1981 National Debate Tournament. Replies were received from 25 coaches (32%) 9 guest judges (25%) and 7 debaters (6%). The percentage of replies from coaches and guest judges is very high for a mail survey and is considered significant by this writer. The percentage of replies from debaters, while lower, is still high by mail survey standards, but this writer invites the reader to assign the appropriate degree of significance to these responses. In any event, the responses of the debaters are included for the information of the reader. (One reason for the comparatively lower response from debaters may be that all of the questionnaires sent to the debaters were mailed "in care of" their coaches. This additional step in the communication process may account for some of the drop off in replies.)

It must be recognized, of course, that the responses recorded here represent the views of NDT participants. A random survey of all intercollegiate debate coaches, guest judges, and debaters might produce somewhat different responses. A random survey of "off topic" or CEDA participants might be expected to produce significantly different responses. Indeed, such surveys might well be the subject for future studies.

It must be recognized, too, that the questions were phrased in such a way as to produce an "open ended" response. The problems of "open ended" responses were accepted because it was desired to get responses in the "language" of the participants rather than responses to the "language" imposed by the author. This has created some obvious problems, e.g., in response to the first question "What should be the role of the debate judge?" 84% of the coaches saw their role as that of what might be described as an "evaluator-critic" while 16% of the respondents identified themselves as "policy makers." The two positions, of course, are not dichotomous and although it was thought that the second question would eliminate this problem, a "closed response" instrument would have reduced the opportunity for this apparent confusion.

The responses were classified into like groups--an admitted subjective process, but a necessary one with "open ended" replies. The most representative response was then selected from each group and reported with the percentage of respondents in that group. Responses do not always add to 100%, 1) due to rounding or 2) due to that fact that in some cases respondents offered more than one response to a specific question.

In response to the second question, "What paradigm, if any, should the judge use?" respondents were asked to choose among 1) the issues judge, 2) the policy maker judge, 3) the hypothesis-testing judge, 4) the tabula rasa judge, and 5) other. None of the respondents chose the "issues" or "hypothesis-testing" paradigms. Large majorities of coaches and guest judges volunteered that paradigms are debatable. No debater offered this suggestion, but as 71% favored the "tabula rasa" paradigm it is not unreasonable to suggest that they agree with this concept.

The third question asked, "Under what circumstances, if any, should the judge impose a paradigm on the debate?" The near unanimous response was best expressed this way, "If the debaters agree on a paradigm or if one team wins the paradigm argument, the judge should impose that paradigm. If no paradigm is offered by the debaters or if the paradigm argument is a tie the judge may impose any suitable paradigm."

The fourth question was, "Under what circumstances, if any, should a judge call for evidence?" There was wide spread agreement that the judge should call for evidence in dispute; but not for evidence that could not be heard the first time. A minority of judges were refreshingly candid--they indicated they called for evidence to get the full citation for their own squad.

The fifth question asked, "Under what circumstances, if any, should the judge call for the plan." Possibly because this is a relatively new practice the concensus is not as clear. In general judges will call for a plan when there has been a challenge about the plan. At the same time, however, many judges prefer to rely on what they flowed. Some debaters addressed this problem squarely and proposed that "if the plan is read in an incomprehensible manner the judge should accept the negative interpretation of plan operations."

There were a candid minority of judges who admitted that they called for the plan for the information of their own teams.

The sixth question noted, "Some judges have serious reservations about certain strategies (e.g., studies counterplans or counter warrants)" andthen asked, "a. To what extent, if any, should these objections or reservations enter into the judge's decision?"

It is fortunate that these very questions are being considered on this panel. The responses indicate that while "ideally the judge should be a neutral arbiter" there are serious reservations about these practices. The debaters recognize the problem and 57% feel that, "if it is made clear prior to the debate that these are unacceptable, then debaters should refrain from such strategies." Judges generally will require debaters to win the argument to justify these strategies and many impose a presumption against these strategies. Some judges feel these are counterproductive to good debate and call for judges to intercede against them.

Part b of the same question notes, "The judge's philosophy is known to the debaters through judging philosophy booklets at District tournaments and at NDT." Then the question is asked, "What, if anything, should the judge do to disclose his/her philosophy in other circumstances?"

A common view is that judges should be willing to answer questions about their philosophies at any time. There were suggestions that there be judging philosophy booklets at all tournaments. Some called for the judge to announce his/her philosophy before each round or to hand out a statement. (Others noted this would be too late to be of any practical value.) A minority view opposes judging philosophy statements as having no real world analogy.

The seventh question asks, "To what extent, if any, should cross-examination enter into the judge's decision?" The responses here cry out for further study. 46% of the coaches, 44% of the guest judges and 57% of the debaters agree that answers given in cross-examination are binding. But, alas, the term "binding" is not defined. Some respondents sternly note "The judge should not allow debaters to shift from one position in CX answers to another position in subsequent speeches." Other respondents permissively grant "Explained shifts are allowable."

32% of the coaches, 89% of the guest judges and 57% of the debaters hold that "arguments derived from cross-examination must be developed in subsequent speeches." I do not know why only 32% of the coaches hold this position. It may be a function of the "open ended" nature of the question, or it may indicate a need for further study.

The eighth question asks in part a, "To what extent, if any, should the judge cross-apply arguments that have *not* been cross-applied by the debaters?"

There is a clear preference that the judge should never cross-apply arguments. The most frequently cited exception to this view is "only when absolutely necessary to reach a decision."

Part b of the eighth question asked, "To what extent, if any, should the judge allow a new cross-application of arguments in rebuttal?"

Cross-application of arguments in rebuttals is generally accepted as long as there is an opportunity for the other team to reply. (Some debaters raised the frightening suggestion that "The judge has to do a 3NR if the cross-application comes in 2AR.")

Part c of this question directly addressed the problem of the opportunity to reply by asking, "To what extent, if any, should the judge weigh new cross-application in 2AR?"

36% of the coaches said such arguments should be ignored. 32% of the coaches would weigh such arguments only with reservations and the reservations were numerous and sometimes inconsistent. 56% of the guest judges would weigh only those arguments arising from 2NR and 44% would accept them only if they are not based on new arguments. 43% of the debaters suggested that the judge should consider all possible negative responses; thus seemingly creating a new debate position 3NR as played by the judge.

The ninth and final question focused on a problem that has brought much criticism to present day debate. The question was, "To what extent, if any, should the judge weigh the rate at which a debate speech is delivered?" On the basis of this survey it is clear that the community of NDT participants has arrived at a near unanimous concensus. 96% of the coaches, 100% of the guest judges and 100% of the debaters agree on a view which contains three elements: 1) debaters are justified in adapting to the maximum skill level of their judges, 2) incomprehensible arguments must be ignored, and 3) speaker points can be used to penalize objectionable delivery. As the debaters suggested, "If a debater can talk at a moderate or conversational pace and still defeat the opposition, give him a 30."

Thus we find that on the basis of responses to this questionnaire there are some broad areas of agreement about judging paradigms and there are other areas where the debate about debate continues. Further study might lead us to more precise answers to some of the questions raised by the responses to this survey and further studies might be useful to discern the views of the debate community in general and the views of the "off topic" and CEDA communities on similar questions.

I. What should be the role of the debate judge?

COACHES

"To decide the issues in the round, to name a winner, and to provide feedback on the educational exercise that our debate rounds should be. The feedback is perhaps the most important aspect, since learning from inter-institutional faculty is one of the greatest benefits of debate." 84%

"To make a choice between the two policy positions advocated by the teams in the round." 16%

GUEST JUDGES

"The role of the debate judge should be to 1) decide debates based on the arguments presented in the debate, and 2) clearly explain to the debaters the reasons for decisions through the ballot." 100%

DEBATERS

"1) To decide issues based on what occurred in the round, and 2) offer at least some constructive criticism for the debater who wishes to try to improve." 100%

2. What paradigm, if any, should the judge use?

COACHES

a. the skills judge 0%

b. *the issues judge* 4%

c. *the policy maker judge* 24%

d. the hypothesis-testing judge 0%

e. *the tabula rasa judge* 28%

f. *other* 40%

"Other" included such comments as: "Debates are situational and should be judged as such." "Game theory." "Any paradigm is acceptable." and "The critic of argument paradigm."

44% of the coaches indicated that paradigms are debatable. This when added to the tabula rasa group indicates that at least 72% of the judges regard paradigms as debatable.

GUEST JUDGES

a. the skills judge 0%

b. *the issues judge* 33%

c. *the policy maker judge* 33%

d. the hypothesis-testing judge 0%

e. *the tabula rasa judge* 22%

f. *other* 12%

"Other" included such comments as: "Any paradigm the debaters select."

66% of the guest judges indicated that paradigms are debatable. This when added to the tabula rasa judges indicates that at least 82% of the guest judges regard paradigms as debatable.

DEBATERS

a. the skills judge 0%

b. the issues judge 0%

c. *the policy maker judge* 29%

d. the hypothesis-testing judge 0%

e. *the tabula rasa judge* 71%

f. other 0%

None of the debaters indicated that they felt paradigms are debatable. However, as 71% favored the tabula rasa paradigm it is not unreasonable to suggest that they regard paradigms as debatable.

3. Under what circumstances, if any, should the judge impose a paradigm on the debate?

COACHES

"If the debaters agree on a paradigm or if one team wins the paradigm argument, the judge should impose that paradigm. If no paradigm is offered by the debaters or if the paradigm argument is a tie the judge may impose any suitable paradigm." 92%

"I follow my own paradigm always, even when the debaters tell me to use another one." 8%

GUEST JUDGES

"Same as Coaches majority view." 100%

DEBATERS

"Same as Coaches majority view." 57%

"If both teams are aware of the usual paradigm of the judge and neither has advocated a change from that paradigm." 29%

"Absolutely none." 14%

4. Under what circumstances, if any, should a judge call for evidence?

COACHES

"I will call for evidence at the conclusion of the round if it is in question because of context, charges of falsification, or doctoring of evidence or in the instance where I believe the difficulty in flowing the evidence was my own, and not the speed of the debater presenting the evidence." 80%

"This should be totally at the judge's discretion." 12%

"To get the full source of a citation for my own squad." 8%

"The judge should call for 'critical' evidence that the judge did not clearly hear." 4%

"When the teams ask you to read the evidence." 4%

"I see debate as a transcript of an exchange between opposing advocates. Evidence is a part of that transcript, and I will from time to time need to consult items in the transcript in the process of reaching a decision." 4%

"I believe the judge should allow evidence examined after the round to influence his decision only when there is a question of ethics." 4%

GUEST JUDGES

"Never when the evidence could not be heard the first time." 78%

"When the evidence is in dispute." 33%

"When the debaters request I call for evidence." 22%

"I call for evidence when I have not heard a piece of evidence that both teams agree is critical for the disposition of the round." 11%

"I call for evidence when I am unclear of its content and it is important to the debate." 11%

DEBATERS

"If there is a charge of falsification." 63%

"Evidence that is incomprehensibly presented should not be read." 29%

"If speed becomes so rapid that the evidence cannot be understood." 14%

"Unchallenged evidence must be accepted as claimed." (Do not call for such evidence.) 14%

"If the debater asks it be called for." 14%

"If it is important enough to vote on." 14%

"If the debaters just read offsetting evidence without clarifying which is the better evidence." 14%

5. Under what circumstances, if any, should the judge call for the Plan?

COACHES

"If the judge needs to clarify a challenge made in the debate on a plank not flowed by the judge." 28%

"If there is a question on the wording of a particular portion of the plan." 24%

"Any time the plan becomes an issue." 20%

"When the negative claims omissions, plan errors, etc., or if the judge feels the plan may be overclaimed based on his initial hearing of it." 20%

"Generally I prefer to rely on my flow of the plan if possible. My flow is a record of, not what the debater wanted to read, but what he actually read." 12%

"If the judge prefers to view the plan after the round rather than flow it." 4%

"To get specific details of a plan for the information of my squad." 4%

GUEST JUDGES

"When particular planks have been challenged, for clarification." 55%

"When the failure to understand the plan is the fault of the judge." 22%

"If either team asks me to look at it." 11%

"When the judge's ability to write all the details has been outrun." 11%

"So that I may more fully understand its implications when coaching my teams." 11%

DEBATERS

"Whenever there is a plan argument that is to become a reason for decision." 57%

"If the wording or interpretation is disputed." 14%

"Only if the plan is questioned by the other team." 14%

"The judge should call for the plan to clear up a question he may have provided that the plan is not read in an incomprehensible manner. In that case he should accept negative interpretation of plan operations." 14%

6. **Some judges have serious objections to or reservations about certain strategies (e.g., studies counterplans or counter warrants).**

   a. To what extent, if any, should these objections or reservations enter into the judge's decision?

COACHES

"Personal objections should not influence evaluation of strategy any more than they influence evaluation of substantive issues in the round. The judge should be a neutral arbiter and keep personal biases out." 48%

"These objections are fine so long as the debaters are all aware of the judges' reservations before the debate begins." 24%

"Debaters should be compelled to defend strategies which vary from normally accepted procedure. That defense should be the criteria for the decision. If no defense is made, the judge's personal bias should enter into his/her decision." 16%

"The judge must bear some responsibility for the educational integrity of the activity. If practices are counterproductive to that integrity and seem to put the debate exercise seriously in jeopardy, then I believe it to be the judge's responsibility to intercede." 8%

"That is up to the individual judge." 4%

GUEST JUDGES

"As little as possible. Judges should evaluate all arguments on their merits as presented. Although I realize this is an ideal rarely achieved." 57%

"They should enter into the decision as a factor effecting presumption. If the judge feels that a certain strategy was intensely destructive of the debate process then the judge should reject the strategy unless it is clearly defended." 29%

"Not at all unless the opposition wins the argument that the strategy is unacceptable." 14%

"Any strategies that countermine the effort to have clash in a debate or which delimit the topic should be taken into consideration. Please include conditional counterplans in that list." 14%

"They should not enter into a judge's decision whatsoever. (However) I will write explicit comments on the ballot." 14%

DEBATERS

"If it is made clear prior to the debate that these are unacceptable, then debaters should refrain from such strategies. If it is left up to the debaters, the judge should go with the flow." 57%

"Absolutely none." 29%

"A judge should be willing to listen to reasoned justification for a given strategy. He is justified, however, in imposting a higher standard of proof for strategies he basically disapproves." 14%

COACHES

b. The judge's philosophy is known to the debaters through judging booklets at District tournaments and at NDT. What, if anything, should the judge do to disclose his/her philosophy in other circumstances?

"Judges should be willing to answer questions about their philosophies at any time (except during a round)." 56%

(In addition to answering questions) . . . "use oral critiques." 8%

"Provide judging philosophy booklets at each tournament, or make a national booklet available." 20%

"Take a couple of minutes before the round begins to tell the debaters what you like, then allow them time to ask you some questions." 12%

(One judge enters this caveat, however, "It may not be a good idea to mandate philosophy disclosure right before the round . . . it may be too late for the teams to change their strategy.")

"Use the ballot to set your philosophy." 8%

"Whatever the judge chooses to do." 4%

GUEST JUDGES

"Be open to questions from debaters and coaches." 33%

"Judging booklets should be available at every tournament." 11%

"Disclose philosophy on ballots." 11%

"Hand out statement of judging philosophy before every round." 11%

"Discovering the judge's philosophy is the job of the debaters and coach. It is part of the activity--trying to adapt." 11%

"Distributing judging philosophies is silly." 11%

"The judge should vote on the arguments as they are debated; not according to theological bias." 11%

"Disagree with the propagation of judging philosophies. No other circumstance in public address or discursive speaking will afford so detailed an exposition of the audience." 11%

DEBATERS

"If the judge has a strong personal bias, such as hating counterplans, this should be announced before the round." 43%

"The judge should announce his paradigm before each round." 14%

"More detailed ballots." 14%

"The judge should be accessible to discuss specific rounds with the debaters involved." 14%

"The debater should be smart enough to ask him/her." 14%

"It is up to the coach to inform debaters about judges." 14%

"There should be more published paradigmatic debate among the leaders of the activity to help consolidate opinion." 14%

7. To what extent, if any, should cross-examination enter into the judge's decision?

COACHES

"Anything said in cross-examination is binding upon the debater." 46%

"The judge should not allow debaters to shift from one position in CX answers to another position in subsequent speeches." 4%

"Explained shifts are allowable." 4%

"To the extent that it is utilized by the debater in a later speech. Points made in CX must be developed in arguments." 32%

"To the extent that the questions and answers are relevant to an evaluation of the issues." 16%

"Cross-examination should be weighted as heavily as any other speech in the debate." 12%

"If damage is done in CX, it should be noted and evaluated, even if it is not raised in a subsequent speech." 4%

GUEST JUDGES

"To the extent that information obtained in the cross-examination are used in the speeches." 89%

"Cross-examination answers are binding." 44%

DEBATERS

"Cross-examination is for the debaters. Arguments derived from CX must be introduced in the speeches." 71%

"Answers in cross-examination are binding." 57%

8. Some judges have differing views on the cross-application of arguments.

COACHES

a. To what extent, if any, should the judge cross-apply arguments that have *not* been cross-applied by the debaters?

"Never. Cross-applications are new data/claim relationships and hence are arguments created by the judge. She/he should remain outside that process." 48%

"Only when it is absolutely necessary to reach a decision should a judge add his/her arguments to the debate." 36%

"To a reasonable extent." 12%

"The judge must! It would be silly to award an argument to one team when the answer is sitting on the flow in another location and that application was not made." 4%

GUEST JUDGES

"Never. No judge cross-application should be made that has not already been made by the debaters." 44%

"The judge should cross-apply only when absolutely necessary to make a defensible decision." 33%

"Only when failure to make cross-application unduly rewards a team whose strategy is to confuse the debate." 11%

"The judge should cross-apply 2NR extensions if 2AR makes any cross-applications. This protects the Negative from essentially new arguments in rebuttals." 11%

DEBATERS

"Never. The judge is not a debater. If the debater doesn't think of it he shouldn't be given credit for it." 57%

"Only in cases of very clear application, e.g., the reasonability standard for 1NC topicality is obviously applicable to 2NC topicality arguments." 14%

"Only if the affirmative gives a new response in 2AR." 14%

"If the debate is incredibly confused, the judge must act." 14%

COACHES

b. To what extent, if any, should the judge allow new cross-application of arguments in rebuttal?

"Cross-applications are all right in 1NR, 1AR, or 2NR, since the other team still has a chance to answer them." 32%

"To the extent that the cross-application is an extension of arguments." 28%

"Crystalizing arguments necessitates cross-application, consequently, I am not bothered by cross-application during rebuttals." 24%

"Should not be allowed." 12%

"If the argument is made it cannot be ignored." 4%

GUEST JUDGES

"If the argument was made in constructives it can be applied to any other argument in the rebuttals." 44%

"Only when it is the first opportunity for the argument to be raised." 33%

"Most cross-applications of arguments of a serious nature must take place in the rebuttals." 11%

No response - 11%

DEBATERS

"As long as the opposing team has a chance to respond to the cross-application." 43%

"Should be allowed." 29%

"If the negative simply throws out an argument to 'bog' the 1AR down, then cross-applications in 2AR seems appropriate." 14%

"The judge has to do a 3NR if the cross-application comes in 2AR." 14%

c. To what extent, if any, should the judge weigh new cross-applications in 2AR?

COACHES

"New cross-applications in 2AR should be ignored." 36%

"With reservations." (The reservations are numerous and sometimes inconsistent.) 32%

"Same weight as other arguments." 20%

"Only if they result from 2NR." 12%

GUEST JUDGES

"Only those arising from 2NR." 56%

"Only when they are not based on new arguments." 44%

DEBATERS

"The judge should consider all possible negative responses." 43%

"Not a whole lot." 29%

"Any new point in 2AR is unacceptable." 14%

"Same as any other argument." 14%

9. To what extent, if any, should the judge weigh the rate at which a debate speech is delivered?

COACHES

"Speech is an important part of debate and it is important in making arguments intelligible and persuasive. At the same time, it is an axiom of communication theory that one should adapt to one's audience, and if that audience has the requisite skills to understand arguments presented at prodigious rates of speed, then I see nothing wrong with debaters adapting to the upper skill level of their judges. At the same time, however, it is incumbent upon debaters to recognize the limits of what they may reasonably expect from judges and adapt to them. If debaters speak beyond the capabilities of their judges to follow and comprehend, then they must endure the inevitable consequences of such decisions. Incomprehensible arguments must be ignored. A judge always has the option of deducting speaker points to indicate his/her displeasure with delivery." 96%

"I am beginning to believe that debate judges MUST penalize fast, obnoxious and ludicrous styles of presentation--otherwise these will continue unabated. Judges must set the standard for style.

If we accept silly speaking mannerisms, then those patterns will continue." 4%

GUEST JUDGES

"If it can be understood it should be part of the debate--if it cannot be understood it should not be weighed. Delivery, however, should be considered in awarding points and, consequently ranks." 100%

DEBATERS

"Delivery is the medium through which arguments are conveyed to listeners. It is the arguments which should be weighed. Poor delivery automatically imposes a penalty on the culprit because the judge can only consider arguments he understands. Delivery per se is not a reason to vote against anyone. If a debater can talk at a moderate or conversational pace and still defeat the opposition, give him a 30." 100%

DEBATE PARADIGMS: A CRITICAL EVALUATION

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Conflict among debate paradigms is playing an increasingly important role in debate. Debaters argue about the utility of paradigms and oftentimes judges accept or reject arguments based on the presuppositions of their judging model. The use of paradigms as evaluative standards, in turn, encourages debaters to adapt their arguments to the models which their judges use. In this context it is clearly important that the value of the various paradigms be considered.

Any evaluation of the value of debate paradigms should begin with a consideration of stock issue analysis, policy making, and hypothesis testing. These three models are the dominant perspectives in debate today. In a study conducted at the 1977 National Debate Tournament, David Thomas found that almost 75% of the judges attending the tournament associated themselves with one of these three paradigms and that almost half of the judges (45.9%) considered themselves to be policy makers. The vast majority of the remaining 25% utilized whatever paradigm was agreed upon by the debaters in a given debate.[1] Other surveys confirm the dominance of policy making, stock issue analysis, and hypothesis testing.[2] Since these three models define current debate practice, it is important to consider their worth as evaluative tools. In this essay, I will first describe each model of debate and then apply five evaluative criteria, which were derived earlier,[3] in an attempt to fairly judge the worth of the paradigm.

A good debate paradigm does a better job than its competitors in five areas. First, a good paradigm is clear and consistent. Ambiguities and inconsistencies in a paradigm naturally lead to ambiguous and inconsistent evaluation of debate practice. The ambiguity problem can be avoided if the assumptions and implications of the model are clearly spelled out. Second a debate paradigm should be fair. Although a topic may be slanted for the affirmative or the negative because of the natural strength of the arguments, the paradigm itself should grant no procedural advantage to either team. Third, a good paradigm does a better job than its competitors of revealing the important questions which are under consideration. Admittedly no model of debate provides a perfect reflection of the policy environment, but it is clear that some models do a better job than others of revealing the important points at issue. Fourth, a debate paradigm should fit the form of debate. A model which cannot be successfully applied to the format of academic debate may be a useful tool for judging some variety of argument, but it isn't a useful tool for evaluating debate. Finally, since the most important goal of debate is to teach argument, a good paradigm should produce good argument. The model should facilitate clash and distinguish between poorly reasoned inadequately supported arguments on the one hand and good arguments on the other. A good paradigm does a better

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job than its competitors of meeting the five evaluative standards which have been described.

STOCK ISSUE ANALYSIS

The stock issue paradigm for judging debate developed out of the Roman doctrine of stasis. The questions which had been asked of all defendents in the Roman law courts were modified and applied as stock issues, in academic debate. In his influential article on the application of stasis to deliberative questions Lee Hultzen[4] re-labeled the four stock issues as ill, reformability, remedy and cost. In more contemporary terms, the stock issues are harm or significance, inherency, solvency or plan meet need, and disadvantages. While stock issue analysis is an independent paradigm, the terminology of stock issues analysis is used by all of the paradigms. However, while all of the paradigms use the same general terminology they define those terms in quite different ways. These differences will be noted in the description of each model.

Stock issue analysis[5] defines the four stock issues by setting up a checklist of objectives which the affirmative team must fulfill in order to win the debate. If the affirmative successfully meets each objective then they win; otherwise the negative wins. Initially, under stock issue analysis, the affirmative must demonstrate that a substantial problem exists which justifies the resolution. It is not enough for them to indicate that some small benefit could be garnered through some action. The requirement that the affirmative solve a major harm stems from the stock issues view of presumption. Following Whately, stock issue judges believe that presumption inheres in the status quo because the present system occupies the argumentative ground under discussion. The affirmative must present a substantial reason for change in order to reclaim that argumentative ground.

The second burden of the affirmative, under the stock issue paradigm, is to prove that an inherent barrier exists which prevents the present system from solving the affirmative harm. This task involves two interrelated steps. First, the affirmative must isolate the cause of the problem under consideration so that they can later indicate that their plan will solve it. Here it is not enough for the affirmative to indicate that a constellation of causal relationships exist, or that their proposal might produce a systemic effect which would reduce the magnitude of the problem. Stock issues judges reject such an exercise as argumentatively inadequate. They require the affirmative to isolate the prime cause of the problem under consideration. This prime cause is not akin to the hypothesis testers search for motive. The stock issues judge is primarily concerned with the structural cause of a problem and only secondarily with the motivational dimensions of the problem. While hypothesis testers believe that structures inhere in motives, stock issues judges believe that motives inhere in structures. The stock issues view of causation restricts the negative as well as the affirmative. The negative must prove that the affirmative plan is the prime cause of an effect, before a disadvantage could be accepted.

In addition to isolating the prime cause of a problem the affirmative must, to demonstrate inherency, prove that the present system cannot solve the problem. By contrast, the negative may defend the evolution of the status quo or minor changes in current policy as alternatives to the affirmative plan. While the negative may defend minor alterations in policy, the stock issues perspective discourages major changes in the status quo such as counterplans. In order to defeat the minor repairs and inherency arguments which the negative presents, the affirmative must point to a structural barrier--law, court decision, or attitude endemic to the status quo--which makes it impossible for the present system to solve the problem.

The emphasis in stock issue analysis is upon harm and inherency and only secondarily upon the other two stock issues: solvency and disadvantages. The affirmative largely meets their solvency burden by establishing the prime cause of a problem. At that point the affirmative proves solvency by indicating that their plan removes the cause of the problem. Disadvantages must meet the same casual standards which are applied to the affirmative case.

The stock issue perspective was for many years the dominant paradigm. In recent years, however, it has fallen into disuse and has been replaced largely by policy making. The first reason for the movement away from stock issue analysis is the ambiguity inherent in the paradigm. For instance, it is difficult to define the term structural barrier. While it is obvious that a law, or Supreme Court decision is a structural barrier, it is much harder to decide whether administrative rule-making or still worse administration inaction constitutes a true structural barrier to change. In addition there is little difference between a harm to be solved and a benefit to be gained. In the controversy surrounding comparative advantage debate, some argued that it is impossible to distinguish between harms to be solved and advantages to be gained.[6] Many stock issue judges responded by recognizing the validity of the comparative advantage case and expanding their conception of inherency and solvency to include multiple probabilistic causation. The resulting paradigm is essentially indistinguishable from policy making.[7]

The second major problem with stock issue analysis is that it is unfair to the affirmative. Initially, the affirmative must overcome a sizeable burden of proof in order to win the debate. It is not enough for the affirmative to win each stock issue. The affirmative must win the preponderance of proof on every issue.:

> . . . they /debaters/ must recognize that the challenger /affirmative/ must maintain a preponderance of proof on any question that is at issue in the debate, however narrow that question may be . . . [8]

In addition, the affirmative must be prepared to defeat every negative minor repair. Since government has many programs dealing with almost every problem area, the requirement that the affirmative identify a structural barrier to change and defeat every negative repair or inherency argument places an intolerable burden upon the affirmative.[9] The stock issue perspective's bias against the affirmative is also manifest in the paradigm's view of minor repairs. The negative may, when debating before a stock issues judge, suggest any number of minor changes in policy without describing those changes in depth. The obvious assumption is that problems can be solved through minor modifications in policy plus the good will of administrators. However, the experience with social programs in the 1960s and 1970s makes it quite clear that problems of implementation often lead to the failure of the most high-minded program. Policy analysis which places naive faith in minor non-specific modifications in policy ignores the failure of such modifications in the past and biases the debate process for the negative. Overall, stock issue analysis creates an imbalance in the debate process by requiring the affirmative, but not the negative, to meet stringent burden of proof and inherency standards.

The third major problem with the stock issues perspective is that it obscures the complexity of real policy evaluation and consequently leads to bad argument. The stock issues judge opposes probabilistic solutions based upon complex constellations of causal relationships. He wants debaters to identify a single cause which can be eliminated and with it the problem solved.[10] Unfortunately the problems which plague modern American society are rarely so simple. Klumpp et al[11] argue that most major social problems are caused by many factors and that there are complex interrelationships among policy systems. The stock issue perspective is not equipped to isolate these relationships or causes. American foreign policy illustrates this problem. There is no doubt that America has lost much of the power which it once wielded in foreign affairs. Yet it is equally clear that no single cause for this development can be isolated. The stock issue judge would face this problem by refusing to endorse any action, until the unknowable and probably nonexistent prime cause could be identified. The systemic perspective defended by Lichtman and Rohrer and Klumpp et al., on the other hand, endorses action based upon the probability that some benefit could be produced by a given action. Stock issue analysis oversimplifies a very complex world.

Stock issue analysis should be rejected as a paradigm for evaluating debate. It is based on a metaphor drawn from the Roman courts of law which has not kept pace with the increasing complexities of debate over public policy. It is both unclear and strongly biased against change. In addition the argumentative world which it reveals is quite primitive and as a consequence complex causal relationships within and between policy systems are not explicated.

POLICY MAKING

The dominant judging paradigm within debate today is the policy making model. It views debate through the metaphor of a policy maker evaluating public policy. Although some policy makers view themselves as legislators, administrators, or executive branch officials the dominant perspective is that of a systems analyst choosing between competing policies. The advocates of the policy making paradigm suggest that the systemic perspective, which the model incorporates, is uniquely valuable for debate because it teaches debaters to evaluate the complexities of real world policy argument. In addition, policy makers claim that the model can be applied to all varieties of policy argument, not merely academic debate.[12]

The policy making paradigm developed out of systems analysis. Proponents of policy making suggest that debate should involve the comparison of an affirmative system (plan plus advantages) against a system or systems defended by the negative. Note that the debate process has been shifted away from a checklist, as in stock issue analysis, to a comparison of competing systems. The policy environment is viewed as a group of complex interrelated systems rather than as a combination of discrete elements. Lichtman's and Rohrer's definition of a system is typical of policy making:

> These systems are complex multifaceted entities consisting of a set of ends or goals, means designed to achieve those ends, and checks and balances designed to make optimal relationships between means and ends (e.g., to insure that emphasis on means will not contradict other means to the detriment of the system). All elements in a policy system interact, so that the system forms an organized whole that is not merely the sum of its individual parts. A change in any one aspect of a policy system may trigger changes in any or all other aspects of the system.[13]

Policy makers believe that individual systems are neither good nor bad. Rather, the debate process is inherently comparative. The affirmative system can be evaluated only by comparing it to alternative systems. Here it is important to note that both the affirmative and the negative must defend a system or systems. Unlike stock issue judges, policy makers require the negative to defend a specific counter-proposal to the affirmative plan. One result is that both affirmative plans and negative counterplans are quite detailed.

The policy making paradigm evaluates the relative superiority of negative and affirmative proposals through a consideration of the net benefits and harms associated with each proposal. Unlike stock issues judges, policy makers use probabilistic standards to evaluate harms and benefits of a policy. Policy makers do not require debaters to identify the prime cause for a problem. Systems theorists have long recognized that a change in one system may produce a predictable effect in another system, although the specific causal chain leading to the effect cannot be isolated. This is particularly important within the field of public policy, where a plethora of government programs aimed at a wide variety of problems exist. In such an environment, a focus upon identification of primary cause forecloses consideration of many proposals. Policy makers evaluate the relative superiority of the affirmative and negative systems by summing the benefits and harms produced by each system. This process goes through two steps. First, the magnitude of a given advantage or harm is considered. Second the possibility that the advantage will be produced by the system is measured. The two probabilities are then multiplied together to gain a measure of the total risk or benefit of that aspect of the policy. When all of the various effects of a given policy have been measured and added together, a relative estimate of the utility of the policy is produced which allows for comparison with competing alternatives. At that point the superior policy is the one which has the highest level of net benefits.

Given the emphasis upon probabilistic harms it is not suprising that policy making shifts the definition of inherency away from discovery of the prime cause of a problem to an evaluation of the level of future harm or advantage. Policy makers believe that there are two inherency requirements which the affirmative must meet. First, the affirmative must describe the structure of the systems being compared. It is through this process that the boundaries between the systems are drawn. Second the affirmative must prove that a harm exists which will not be solved in the future. Some policy makers argue that the affirmative must prove that a harm exists which will not be solved through action short of the resolution. Other policy makers argue that the affirmative proves their proposal to be inherent by indicating that the essence of the present system does not contain their proposal. Thus the affirmative fulfills their inherency burden by describing the structure of their proposed system, and by proving that the present system will not solve whatever problem is under discussion.

Policy makers view solvency arguments and disadvantages as the mirror images of harm and inherency arguments. Negative disadvantages are simply harms which apply to the affirmative system. Negative solvency arguments are similar to affirmative inherency arguments with the single exception that negative solvency arguments apply to weaknesses in the affirmative proposal while affirmative inherency arguments apply to weaknesses in the system or systems defended by the negative.

The final important concept in policy making is presumption. Policy makers see presumption as a measure of the uncertainty relating to change. They believe that the unknown effects of a change will almost always be negative and measure these effects based upon six criteria: 1) The extent of change; 2) The importance of affected policy areas; 3) The reversability of change; 4) The state of the present system; 5) The quantity and quality of available information; 6) The quality of available analytic tools.[16] Presumption is granted to the system, which based upon these six criteria, possesses the least risk of unpredictable negative effects. Absent argument about the relative risks of the policies under consideration, the policy maker places a feather's weight presumption against the resolution. With the view of presumption in mind the policy maker is in a position to choose between the policies advocated by the affirmative and the negative. The policy maker sums the relative benefits of each policy, allowing for the presence or absence of future harm, the possible negative effects of the policy, and the effects of presumption, and then, based upon that evaluation, chooses the best policy. The affirmative wins if their policy produces more net benefits than any of the negative policies.

The policy making paradigm is modelled after the attempt by systems theorists to develop a truly rational model for evaluating public policy.[18] Through that rational method, scholars could, it was hoped, scientifically consider the goals of policy, the available policy options, the effects of each policy, and the interrelationships between various policies. It was thought that after each alternative had been scientifically evaluated, it would be a simple matter to choose the best single option. No longer would the process of policy analysis be based on anecdotal evidence and haphazard consideration of possible effects. Instead, policy analysis could be based upon a consideration of the potential benefits and problems associated with a given policy. Charles Lindblom argues quite persuasively that the goal of a perfectly rational calculation of advantages and disadvantages can be traced from Plato, to Leibnitz, Comte, the positivists and finally the systems theorists.[16] Most recently, this rationalistic calculus has manifested itself in cost-benefit and risk-benefit analysis, PPBS (program budgeting) and zero based budgeting. Although Klumpp et al cite Charles Lindblom's incremental theory of decision making[17] it is quite clear that policy making developed not from incrementalism but instead from the greatest opponent of incrementalism, the rationalistic model. Ironically the policy making paradigm became popular, in debate, in the aftermath of its almost total failure as a vehicle for policy analysis in government. Consequently, it is not surprising that, just as cost benefit analysis, cannot provide the answer to all of the questions which confront the policy sciences, policy making cannot meet all of the unique needs of debate.

The first major problem with policy making is that the paradigm is unclear. Inherency, for example, is defined somewhat inconsistently. One of the main proponents of the model, James J. Unger of Georgetown University, cites the foremost hypothesis tester, David Zarefsky, on the meaning of inherency: "What is required for the determination of 'inherency' is to decide what is the essence of the present system, and whether that essence must be change to achieve the goals of the proposal."[18] The essentialist view of inherency leads immediately to difficulty. What is the essence of a system? Does that essence include the goals of the system, the administrative structure, the legal mandate or other factors? Could the essence of a system include anything as specific as the funding mechanism? None of these questions is easily answered. In addition, the essentialist position obviously differs from Schunk's view that resolutionality is the measure of inherency.

The most important uncertainty in policy making is whether the negative must defend a single policy system or may defend several systems. The problem is that policy makers make two assumptions which lead to inconsistent positions on the number of policies the negative may advocate. First, policy makers assume that one value of their model is as a device for teaching the method of the policy scientist.[19] Consequently policy makers strive to make debate as much like real policy analysis as possible and reject practical limitations on the model.[20] However, policy makers also assume that their model is much more realistic than hypothesis testing.[21] Based on this assumption policy makers strive to adapt their model to the limitations which format places on debate. Unfortunately, the two assumptions lead to inconsistent views of the number of policies a negative team may defend. To make matters worse, some policy makers seem to hold both views simultaneously, despite the obvious inconsistency.

At some points, policy makers clearly limit the negative to a single position, while at other points they argue that the negative may defend a series of independent positions. In their recent convention paper on policy making, Lichtman and Rohrer explicitly note that the negative should not be limited to a single policy:

> Debate then can profitably be viewed as an attempt to select the best policy system from a selection of competing options. If the process of policy comparison results in the affirmation of the debate resolution judges should vote for the affirmative case. If not, they should vote negative. This process inherently requires a comparison of two or more policy systems to determine their relative merits.[22]

However, in the journal article which developed from the convention paper, Lichtman and Rohrer show some ambivalence. At one point they argue for limiting the negative to a single policy,". . . in arguing against adoption of the affirmative policy system, negative teams, in turn, may defend the present system or create yet another policy system by proposing alterations that do not fulfill the debate resolution."[23] Yet, they also argue that the negative may defend multiple policies,". . . in order for comparison to take place it /the negative/ must defend one or more competitors to the policy system advocated by the affirmative."[24] In earlier articles, the same pattern is apparent. They sometimes endorse the requirement that the negative defend only a single policy while at other points they suggest that the negative may defend a plethora of independent options.[25] Klumpp et al shows much the same ambivalence. For example in Public Policy Decision Making they suggest that "A comparative advantage debate is fundamentally a clash between two systems."[26] However they also argue that the affirmative policy might be compared against a host of negative alternatives: ". . . the analyst considers all of the alternative courses of action since many approaches may eventually generate the desired effect."[27] The proponents of policy making want to have it both ways. For practical reasons, they want to limit the alternatives considered in a debate, while for theoretical reasons they want to allow the negative to defend multiple alternatives. This uncertainty is apparent in the judging philosophies of many policy makers. Some allow the negative to defend hypothetical or conditional alternatives while others do not.[28] The result is confusion on the part of both debaters and judges.

In recent years, some policy makers have attempted to resolve the inconsistency between the practical and theoretical requirements of the model by giving precedence to the theoretical assumption. In their recent convention paper analyzing the policy making model, Lichtman and Rohrer make their commitment to the theoretical rather than practical aspects of the model quite clear:

> But the logic of policy argument should be altered only when it clearly threatens the viability of competitive debate. Any other

> departure from this standard would weaken the intellectual rigor of academic debate and offer judges the license to vote against any practice they found personally repugnant. Cogent standards of argumentation would give way to the idiosyncracies of individual critics.[29]

However, if policy makers resolve the inconsistency by allowing the negative to defend a number of alternatives, they blur the distinction between policy making and hypothesis testing. Under each paradigm the affirmative must defend a single policy while the negative may defend a number of independent approaches. The terminology describing the negative arguments varies from hypothetical counterplan in one instance to independent policy option in the other, but the paradigms share much in common. Many of the remaining differences between the two models -- the focus on motive in hypothesis testing and the requirement of plan specificity in policy making -- relate to factors which are not essential to either approach. The actual similarities between policy making and hypothesis testing illustrate the ambiguity inherent in the policy making model. Policy makers are generally considered to be opponents of hypothesis testing, but some forms of the policy model are closely related to hypothesis testing.

The second major problem with policy making is that it is biased for the affirmative. Initially, policy making is biased for the affirmative because it is easier to identify the advantages of an alteration in policy than it is to identify the disadvantages of the same policy change. Harold Green of the George Washington University Law School explains the problem in reference to cost benefit analysis:

> There are several difficulties inherent in giving complete validity to cost benefit analysis. Benefits tend to be relatively obvious and immediate while risks by their very nature tend to be relatively remote and speculative especially where the technology is new or where epidemiological data are not as yet available. In such cases quantified benefits will almost always outweigh quantified risks.[30]

The same problem should occur in debate. Policy making is also biased for the affirmative because the systems model downplays problems of implementation. Zarefsky emphasizes this problem and argues that the motives of relevant bureaucrats cannot be ignored.[31] In policy debate, questions about enforcement or the specifics of implementations plans are usually treated by both the teams and the judge as if they were mere quibbles. Systems theorists show the same tendency and largely ignore problems of policy implementation. Graham T. Allison notes, "Current policy analysis both in its more formal and in its more informal modes, pays minimal attention to implementation."[32] While problems of implementation are generally ignored, they are important. Numerous commentators point to the enormous influence which implementation has upon the success or failure of a program and Allison estimates that approximately one half of the efficacy of most programs depends upon successful implementation.[33] Of course, by down-grading consideration of the problems of implementation the policy making paradigm grants an enormous advantage to the affirmative. The two biases which I have identified, indicate that the policy model is grossly unfair to the negative.

The third major problem with the systems model, as it has been applied to debate, is that it produces a skewed view of the policy environment. This is not a trivial objection. Proponents of policy making defend the model based on its utility as a teaching device. If it presents an inaccurate view of the policy environment then it has failed to fulfill its aims. The first problem with the world view of systems theory and policy making is that it over-emphasizes harms which are measurable in quantitative terms. Gregory Palmer, in his analysis of McNamara's use of PPBS, explains that systems analysts are driven by their world view to seek quantification:

> Favoring calculation, he tends also to favor quantification and thus is often disposed to making his selection from the most easily quantifiable solution at the neglect of other viable alternatives.[34]

Even proponents of systems analysis such as E. S. Quade admit that a bias for quantitative techniques exists.[35] Nor is the emphasis upon quantification present only in cost benefit analysis and absent in the policy making model of debate. Lichtman and Rohrer, in particular, emphasize the importance of quantification to policy making:

> Policy analysts generally strive to express the net benefits of policy systems in numerical terms by quantifying both the value of policy outcomes and the probabilities that these outcomes will be achieved. Whenever possible, debaters should also strive to express their policy judgements and factual predictions as precisely as possible.[36]

Unfortunately, the proviso "whenever possible," is rarely reflected in policy analysis and the result is that "soft variables" such as the quality of life are often ignored. Laurence Tribe of the Harvard Law School argues persuasively that the quest for quantification makes it impossible for systems analysts to consider such values as ecological balance, community cohesion and integrity of the human body.[37] Systems analysis cannot derive useful numerical estimates of the importance of qualitative problems. The result is not only that important values are all but ignored, but also that the analysis itself is misstated:

> It relates not merely to undervaluing certain factors, but to reducing entire problems to terms that misstate their underlying structure, typically collapsing into the task of maximizing some simple quantity an enterprise whose ordering principle is not one of maximization at all.[38]

The same trend is apparent in debate. Human comfort, the quality of life, and small reductions in human freedom are often ignored by policy makers, because it is hard to measure their importance compared to deaths or loss of money. The qualitative harms cannot be divided into discrete units in order to facilitate comparison with easily quantifiable harms such as death.

The proponents of policy making have not been totally insensitive to the failure of systems analysis to adequately consider soft values. Some policy makers suggest that the goals of American society could be put into a hierarchy in order to determine the relative importance of competing values.[39] Through this operation, a measure of the importance of a soft variable could be derived which would then be plugged into the systems calculus.

While policy makers have recognized the importance of soft variables, the attempt to find a quantitative measure of those variables through a goal hierarchy is, I believe, doomed to failure. Initially, it is doubtful whether any single goal hierarchy exists for the United States. A simple question illustrates this point. Which is more important, peace, freedom, equality or justice? The only reasonable answer to such a question is "It depends." It is possible to rate each of these values on a ten point scale and assign justice a numerical importance of 7.3 with freedom slightly higher at 8.4 but such a rating contains no useful information. A quantitative measure of a value reflects only the rater's intuitive evaluation of the importance of the value. Moreover, the attempt to measure the importance of freedom or any value is doomed to failure because values cannot be divided into discrete units. Given the difficulties attached to measuring the importance of values it is hardly surprising that the systems analyst finds it simpler to emphasize the variables which are easily quantifiable and gives only lip service to soft variables. In fact, the attempt to provide a quantitative measure of the importance of soft variables may subtract useful information from an analysis, by providing the appearance of mathematical precision when no such precision exists.[40]

In addition to policy making's bias for quantifiable harms, the probabilistic harm standard, embraced by the model, often results in a mis-analysis of policy problems. While Lichtman and Rohrer claim that there is no philosophic dispute over the utility of the risk times harm standard as a method for evaluating the magnitude of a problem,[41] there clearly is substantial question about the value of such a standard. It is not at all clear that extremely low probability catastrophic result harms should be evaluated in the same way that other more certain but less catastrophic problems are considered. The importance of a problem may, in fact, vary based on the probability of the problem's occurrence. Tribe illustrates this possibility:

> . . . the value a rational person should attach to each of the several possible outcomes of a criminal trial depends in significant part on the probabilities of those outcomes as they appear to the jury at the time of the decision; in particular, convicting an innocent person should be deemed a worse outcome when the jury feels very unsure of the personal guilty (but simply happens to be mistaken) . . . Similarly, destroying a species of wildlife should probably be regarded as a worse outcome when it results from the disregard of a high known risk than when it results from the materialization of a highly unlikely contingency.[42]

The probabilistic risk times harm standard ignores questions of responsibility and consequently misstates the analysis.

A final bit of evidence indicating that policy making oversimplifies the world can be found in the failure of systems theorists to accurately measure risk. One example of such failure of risk analysis was NASA's estimate that the chances were five or ten to one against a successful moon mission.[43] After Neil Armstrong's first step for mankind and other missions the accuracy of the risk analysis can be called into question. Nor is NASA's failure an isolated example. There are many circumstances, in which accurate estimates of risks and benefits cannot be made. If accurate quantitative estimates of risks are infeasible in some fields then it makes a great deal of sense to argue about qualitative levels of risk. Quantitative estimates are useful where feasible, but where such accurate estimates are not possible the attempt to quantify all factors subtracts, rather than adds useful information to the analysis.

The last half of the 1960's and the first half of the 1970's were the heyday of systems theory in all of its varied manifestations. While cost-benefit analysis, risk assessment, PPBS, and so on were highly touted, the results which they produced were by no means spectacular. The largest pilot study of the "rationalistic" method was undertaken by the Johnson administration when it applied PPBS first to the DOD and later throughout the executive branch. The results were unimpressive. According to one in-depth study, the DOD's use of PPBS helped to produce escalation in Vietnam and the aura of mathematical accuracy surrounding the model helped to silence potential critics of the war.[44] The "rationalistic" model was no more successful in the rest of the executive branch. After considering the effectiveness of PPBS Aaron Wildavsky simply observed, " . . . no one knows how to do program budgeting."[45] Nor is the experience with systems analysis limited to PPBS. Opponents of the systems perspective such as Charles Lindblom of Illinois argue that the problems occurred, not because of inept use of PPBS, but because of a fundamental flaw in the rationalistic model itself. According to Lindblom the rationalistic model can never function properly:

> Conventionally rational decision making is therefore in fact not just difficult, it is strictly speaking impossible. And, if it could be made practical, it would, for complex problems, reach decisions too late to be useful. For complex choices, it is never literally possible to follow the four prescriptions of conventional rationalist. For a complex problem it is never possible to be clear about all the values affected by a decision, including their relative weights, never possible in fact to ascertain all possible means of achieving the objective, never possible exhausitively to trace through the chain of consequences that are attacned to each possible means of achieving the objectives.[46]

There is never enough information, adequate time, or enough wisdom to reduce decision making to an exact science. The hope of the rationalists, that through systems theory an objective measure of the utility of a variety of policies can be made, is a pipedream.

While systems theory can never produce a simple calculus of the relative benefits of a variety of competing policies, it is useful in both debate and the policy sciences. Systems theory may suggest problems for the policy scientist to consider or reveal interactions between systems which would otherwise go unrecognized. This utility is lost when the systems model is applied mechanistically as the only method for policy analysis. The policy making debate paradigm also has its value. It moves the focus of debate away from a check-list of stock issues and more importantly it includes a recognition of the centrality of probabilistic argument to any real world analysis of policy. However, the policy making world view is fundamentally misleading. It is a more accurate window on reality than stock issue analysis, but it still produces a warped picture.

The most serious problem with the policy making paradigm is its lack of standards with which to distinguish between good and bad arguments. Policy makers evaluate all arguments probabilistically. Lichtman and Rohrer explain:

> With regard to questions of act, for example, a yes-no decision to affirm or negate a factual claim involves, in effect, rounding off a probability judgment to either 0% (negation of a factual claim or 100% (affirmation of a factual claim). To engage in this practice for individual issues that arise in a policy dispute is to produce widely inaccurate evaluations . . . Thus, advocates do not win or lose individual issues that arise in a debate. Rather, particular levels of probability are established by both the evidence and arguments of both teams.[47]

The point is clear; no argument can be proved either totally true or totally false and consequently all arguments must lie somewhere in between. While it would be unreasonable to set 100% certainty as the appropriate standard for evaluating argument it is equally unreasonable to grant every argument, no matter how fallacious, some probability of being true. Bad argument is the natural result of such a system. Not only does the model lack a check to control weak arguments, but the model naturally leads to the overemphasis upon one type of argument. When operating within the policymaking framework the wise debater maximizes the relative impact of all arguments. That impact can be maximized either by claiming that a given outcome is certain to occur or by claiming very high significance if the outcome occurs. Obviously there is an upper limit to the certainty which can be ascribed to any outcome. No harm can occur more than 100% of the time. The same limit does not apply in the area of impact. Debaters can and have claimed impacts greater than the extinction of all life on this planet.

The assumptions of the policy model encourage debaters to present catastrophic impact arguments. The problem is not that such arguments are always fallacious. There are a number of environmental problems which may threaten life as we know it. Rather, the problem is that the model encourages debaters to present these catastrophic impact arguments even when they do not apply. This occurs because the model assumes that all arguments contain some truth. As a result a debater can often win more net harm by presenting a very weak enormous impact argument and claiming that there is a chance that it is true, than by presenting a tightly reasoned well evidenced small impact argument. The quality of the argument simply does not fit into the strategic calculus. A poorly developed argument with enormous impact is often worth a hundred good arguments which lack the same impact. There is so much of the massive impact argument that a great deal remains even if there is only a small chance that it is true. By judging all arguments based on their net impact and by granting all arguments some probability of truth, policy makers encourage debaters to present massive impacts rather than to develop their best arguments in depth.

Debate would do well to copy other disciplines, including some aspects of the policy sciences, and reject arguments which do not meet a minimum standard of proof. In the social sciences, for instance, arguments are evaluated probabilistically only if they meet a certin standard, usually the .05 significance level. Arguments which do not meet that minimum standard are rejected out of hand. This is also true in science, as Edwards explains, "If a hypothesis is preposterous to start with no amount of bias against it can be too great."** The same point could be made about the humanities. A historian who claimed to have pictures of Columbus landing on Cuba (via a time machine of course) would be ridiculed. Claims of the same variety are given serious consideration in debate, not because of any inherent validity of the argument, but because the policymaking paradigm assumes that even the weakest argument possesses some truth. If debaters knew that weak, inadequately supported arguments would be rejected out of hand, rather than evaluated probabilistically, they would have every incentive to develop arguments in more depth with better proof.

The final problem with the policy making model is that one major interpretation of the model fails to fit the form of debate. As argued earlier, one of the presuppositions of policy making justifies the comparison of an affirmative policy against a number of negative alternatives. Clearly this view of policy making places an insuperable burden on the debate process. There is not time in the one hour of a debate to compare the affirmative plan and case against a wide variety of alternatives. In fact there is often not enough time to adequately compare the affirmative system to the present system. Allowing the neative to present a number of alternative policies only makes things worse.

Experience with the systems model, as it has been applied to real policy analysis, confirms the futility of considering more than a very carefully limited group of options. George C. Edwards, and Ira Sharkansky note that real policy makers, who are not limited to a single hour of analysis, cannot consider all of the potential policies in a given area:

> Amidst all this conflict and confusion, policy makers do not have the resources, time, or energy to examine all the possible

> alternatives that might achieve a goal or all the information on these alternatives.[49]

In fact dangerous inaction results when policy makers attempt to consider all of the many possible alternatives to a policy proposal. Ukeles emphasizes the futility of attempting to rationally evaluate all policy alternatives:

> The costs in time and manpower, and the requirements for knowledge and understanding of relationships to implement this model are immense for most public policy problems. It is safe to assume that in 90-95% of the policy problems likely to involve a practicing policy analyst the policy problem would be long since resolved by the time the requirements of the rational model could be met.[50]

Any interpretation of policy making which legitimizes the presentation, by the negative, of a variety of options, violates the stringent limitations which debate format places on the debate process.

The policy making model is based on a view of reality which posits truth as ultimately attainable if only policy scientists can mathematically evaluate all potential policy alternatives through a sort of intellectual calculus. Unfortunately, both in debate and in the real world, a bloodless intellectual evaluation of all policy alternatives is not feasible and often counterproductive. Policy making overemphasizes quantification and produces a generally misleading view of the world. In addition the model is confusing, biased for the affirmative, and not suited to the form of debate. Finally, the paradigm's emphasis on catastrophic harms results in bad argument. The policy making paradigm, while useful in many ways, is a flawed tool for judging debate.

HYPOTHESIS TESTING

The twentieth century has seen an incredible flood of scientific innovations. The sixty seven years since Kittyhawk have moved man from the age of balooning to a time when the nearer planets of our solar system seem within reach. These successes have made the scientist a cultural hero. It is out of the resulting reverence for science and the scientific method that the hypothesis testing debate paradigm developed. Hypothesis testers believe that their paradigm brings to debate the same rigor and objectivity found in science.

The hypothesis testing model of debate, developed largely by David Zarefsky of Northwestern University, suggests that the debate resolution should be treated as a scientific hypothesis to be verified.[51] The model grew out of Zarefsky's view of presumption as stipulated against the resolution rather than as Whately believed inhering in the status quo.[52] While under both the traditional approach and hypothesis testing presumption rests with the status quo, Zarefsky argues that the rationale, which hypothesis testing provides for that view of presumption, improves the debate process. Hypothesis testers believe that presumption serves the same function in debate which scientific rigor serves in science. When applied to debate, Zarefsky suggests that the affirmative should have the burden to prove that no alternative to the resolution could solve the problem under discussion. The negative, on the other hand, should have no burden but to negate the resolution in any way that they choose. Hypothesis testers allow the negative to defend mutually inconsistent positions because they liken the debate process to the scientific testing of theories. No scientific theory can be proved directly. Instead the theory is indirectly validated by experiments which reject competing theories. In debate, the affirmative is required to disprove each independent alternative presented by the negative and the negative is encouraged to present any number of such alternatives.

One implication which hypothesis testers draw from a scientific perspective is that the debate resolution should be viewed as a hypothesis to be tested rather than a policy to be implemented. Accordingly all questions of fiat are irrelevant. Hypothesis testers suggest that debate should focus on what ought to be done and not pretend that a debate proposal actually could be implemented. As a result, all counterplans are considered to be hypothetical or conditional. Hypothesis testers presume that, by requiring the affirmative to disprove all of the hypothetical alternatives proposed by the negative, a rigorous test of the affirmative case will be guaranteed.

Hypothesis testers also seek to mirror the rigor of science by strengthening the standards for evaluating causation. Zarefsky argues that few social problems can be solved without identifying the cause of the problem. He focuses not upon the physical cause of a problem, but upon the motivational forces which allow the problem to persist. The ultimate question which the affirmative must answer, in order to prove causation, is "Absent the resolution why do the presumably good men ofthe status quo allow this evil to persist?" Without an analysis of motives, hypothesis testers believe that it would only be by chance if a social problem were to be solved.

While hypothesis testing adds additional burdens to the affirmative it also eases their task in some ways. For instance, since hypothesis testing is concerned with testing the resolution rather than a specific plan, the affirmative is free to make modification in the parts of their plan which are not central to the resolution itself. Thus many hypothesis testers reject disadvantages which flow from specific plan planks as not intrinsic to the resolution

The hypothesis testing paradigm drastically changes the inherency requirements which an affirmative team must meet and establishes new requirements for evaluating disadvantages. At the same time solvency and significance are defined in much the same way as in policy making. In both paradigms, solvency and significance are evaluated in probabilistic terms. It is the requirement, that the affirmative defeat all hypothetical negative alternatives and explain the motives behind the actions of the present system as well as the requirement that disadvantages be intrinsic to the resolution which distinguishes hypothesis testing from policy making.

Hypothesis testing developed in reaction against very real excesses of policy making. At the same time, hypothesis testing has produced excesses of its own which are, if anything, more serious than those problems facing the policy model.

The first major problem with the hypothesis testing model is that it is unclear. Zarefsky's suggestion that the model should be considered a figurative rather than literal analogy[53] illustrates the uncertainty about how a judge should apply the paradigm. What does it mean for the model to be a figurative analogy? What points in the model, if any, should be taken literally? There are no clear answers to these problems. The model also evaluates motive inconsistency. Hypothesis testers believe that inherency is established only after the affirmative isolates the motives of actors in the present system. At the same time, hypothesis testers are unwilling to consider disadvantages which are based on motivational responses to an affirmative plan. They view these disadvantages as not intrinsic to the resolution. The social spending disadvantage illustrates the problem. Many hypothesis testers are apt to reject the argument because they see it as describing a harm which is not a necessary result of the resolution. They point out that methods of funding other than cuts in social programs could be used to fund a plan. Yet, the view that the social spending disadvantage is not intrinsic to the resolution denies the commitment of the paradigm to evaluate motives. While other funding mechanisms could be used, the premise of the disadvantage is that the motives of actors in the status quo lead inexorably to cuts in the social programs. There is no doubt that the disadvantage has been overused, but this should not mask the inconsistency within the hypothesis testing paradigm. A hypothesis tester is vitally concerned with the motives of bureaucrats, except where those motives relate to the natural but harmful results of a change in policy.

The second problem with the model is that, while the hypothesis testing paradigm views debate from the perspective of science, it violates one of the key assumptions of science, objectivity. In good science, no theory is pre-judged, but the theory is accepted or rejected on the basis of the evidence. However, the hypothesis testing paradigm's view of motives and causation biases the debate process by presuming the present system to be rational. As noted earlier, Zarefsky suggest that the key question which every affirmative team must answer in order to prove their causation is: "Absent the resolution why do the presumably good men of the present allow the evil to persist?" Of course, no true scientist would ever presume that the men of the present system are rational. By assuming them to be rational, the debate judge grants to the negative the presumption that there must be some good reason for inaction on the part of the status quo. By contrast, the objective scientist would inquire into the motives of the present system by asking, "Absent the resolution why do the men and women of the present system allow the problem to persist?" Zarefsky is quite correct when he argues that motives play a crucial role in determining the effectiveness of a policy. At the same time hypothesis testers contradict a basic assumption of science, when they pre-judge the motives of actors in the present system. It is also unfair to the affirmative.

The fairness problem is magnified when other aspects of the paradigm are considered. Hypothesis testing requires the affirmative to defeat every alternative hypothesis proposed by the negative. This places an impossible burden on the affirmative. The negative may present five or six or seven hypothetical counterplans and need only neutralize or tie the affirmative on any one of them in order to win the debate. To make matters worse, the negative may choose to focus in their rebuttals on a single alternative. Of course the affirmative lacks this option. They have no way to predict which alternative the negative might focus upon and so, in second affirmative constructive, must deal with all of the negative alternatives. The negative may gain a strategic advantage by allocating substantial amounts of rebuttal time, to a specific alternative, and thus overwhelm the necessarily brief second affirmative responses to that alternative.

Hypothesis testers respond to criticisms of unfairness by suggesting that generic responses to types of counterplans could equalize the relative burdens which the affirmative and negative must shoulder. Zarefsky notes that under the Federal Guaranteed Annual Income topic, the affirmative could defeat a plethora of alternatives with generic indictments of discretionary welfare programs.[54]

Although generic responses to counterplans provide the affirmative with some protection against abuses of the hypothetical counterplan, these generic responses do not equalize the burden which the two sides must bear. In many instances, simple generic responses, which apply against most or all hypothetical alternatives, are not available. Even in Zarefsky's example, a host of potential alternative hypotheses remain to which the generic attack on discretionary programs would not apply. A partial list of negative alternatives might include: 1) Hypothetical counterplans at the state, local, or regional levels which mandated a guaranteed income; 2) Further study of the problem area; 3) Hypothetical counterplans to alleviate specific harms such as malnutrition; 4) Hypothetical counterplans which provided sliding scale benefits but which guaranteed no specific income. While each of these alternatives could be defeated, the affirmative task becomes unberable if they are required to soundly defeat all of them. Generic arguments do not make up for the basic unfairness of the hypothesis testing framework.

Theoretical work in the philosophy of science supports the view that the hypothesis testing debate model is fundamentally unfair. Any number of scientific theorists note that there are always an infinite number of alternative possibilities to the hypothesis being considered.[55] As a result, philosophers of science recognize that a new theory need not defeat all alternative hypotheses but only need deal with those alternatives which are reasonable and well supported. To do otherwise would be to place an intolerable burden on science:

> Thus, the more alternatives we face, the more need there is for strong bias to protect us from decision-overload. Since the data stream is not infinite, and since man's data processing resources are not, he must rely on methods which drastically reduce the number of alternatives at each stage.[56]

In many instances, a theory is not tested against a large number of alternatives, but only against the most plausible alternative. Thomas Kuhn explains, "It makes a great deal of sense to ask which of two actual and competing theories fits the facts better."[57] Debate like science should recognize that no theory or debate case can support the burden of defeating all possible alternatives.

One final indication of the basic unfairness of the hypothesis testing model can be found in the statistical literature revolving around the null hypothesis test. In science, as in debate, the null hypothesis test presents a major obstacle to the acceptance of any new theory, no matter how accurate that theory may be. Ward Edwards summarizes the biases in the null-hypothesis test:

> If classical procedures are to be used a theory identified with a null hypothesis will have several strikes against it just because of that identification, whether or not the theory is true. And the more thorough the experiment, the larger that bias becomes.[58]

Any model which requires a new theory to defeat all alternatives will be biased against change. In the case of hypothesis testing, this problem is magnified by the very real time constraints which the debate process places on affirmative analysis. Much of the appeal of the hypothesis testing model comes from its aura of scientific objectivity. Yet the model mis-represents the requirements which true scientists place upon theories and utliizes a method which is fundamentally unfair.

The third major problem with the hypothesis testing paradigm is that the view of science which it propagates is fundamentally misleading. Initially, it is clear that the hypothesis testing model oversimplifies the scientific process. While hypothesis testers claim that presumption lies against a theory being proposed, scientists use presumption in several other ways. In fact, some theorists argue that a theory should be presumed true until it is disproved. Lancelot Hogben argues: "Many scientific investigations involve the employment of the method of framing working hypotheses and testing them experimentally. As long as the experiments fail to disprove them, so long are the hypotheses accepted."[59] In Hogben's view, presumption should belong to the affirmative and the negative should be required to disprove the affirmative hypothesis. The literature which underlies scientific standards of presumption also indicates that real scientists define presumption based on the circumstances and theory involved. Many scientists seem to believe that the standard of proof facing a theory should depend upon the function which the theory fulfills, Rudner for instance argues that a scientists should accept a much lower standard of proof when concerned with the safety of belt buckles than when concerned with toxic ingrediens in pharmaceutical products.[60] He explains:

> How sure we need to be before we accept a hypothesis will depend on how serious a mistake would be. The examples I have chosen are from scientific inferences in industrial quality control. But the point is clearly quite general in application . . . . In general then, before we can accept any hypothesis the value

> decision must be made in the light of the seriousness of a mistake that the probability is high enough or that the evidence is strong enough, to warrant its acceptance.[61]

The view that presumption or scientific rigor should be applied based upon the function which the theory serves, threatens the theoretical integrity of hypothesis testing. The important point is that the standards which a theory confronts, vary in different situations based upon the function of the theory. Contrary to the tenets of hypothesis testing, there is no single uniform standard which all theories must meet. Not only does the functional view of scientific presumption strike at the hypothesis testing model directly, but it also indicates that the paradigm may be based on an incorrect assumption. Since scientists evaluate theories based on their function it seems reasonable that the hypothesis testing paradigm itself should be evaluated based on the same criterion. The paradigm should be judged, not by how closely it emulates the scientific method, but by how it facilitates the debate process.[62] It seems fruitless to simply transfer from science to debate an idealized scientific paradigm which was developed to serve a completely different function.

Hypothesis testing also oversimplifies other aspects of scientific theory. While it is clear that Zarefsky artfully explains one idealized view of the scientific process, he provides little support for the claim that his description accurately represents modern science as a whole. A brief review of current approaches to the philosophy of science makes it quite clear that there is no one simple scientific methodology. Paul Feyerabend argues in Against Method that there should be no one scientific methodology and that scientific advances often occur when scientists violate the methodological rules which they had been taught.[63] Durbin's description of current scientific theory should be viewed in the same light, "Most contemporary philosophers echo the view of Einstein that 'there is no logical way to the discovery of the elemental laws. There is only the way of intuition.'"[64] When Zarefsky and other hypothesis testers claim that they have applied scientific theory to debate, they are oversimplifying the issue. There is in fact no one scientific method and few philosophers think that there should be.

It is also important to note that much current scientific practice violates the idealized view of science inherent in the hypothesis testing model. Many theories have been accepted although there was relatively little evidence supporting them. There was little empirical support for atomic theory at the time of its acceptance by the scientific community.[65] The conflict between the wave and particle theories of light is also instructive. There is evidence against both theories, however, rather than throwing them both out, as the hypothesis testing model requires, scientists continue to utilize both theories because they each provide useful data.[66]

A final area in which hypothesis testing mis-represents science is in the assumption that the opponent of a theory need only negate the theory and need not defend an alternative theory. Hypothesis testers ignore much scientific theory on this point. Many natural scientists argue that no theory can be rejected until a better one is available.[47] Thomas Kuhn explains this perspective in his classic work The Structure of Scientific Revolutions:

> To reject one paradigm without simultaneously substituting another is to reject science itself. That act reflects not on the paradigm, but on the man. Inevitably he will be seen by his colleagues as "the carpenter who blames his tools."[48]

Real scientists don't merely negate a theory which is supported by a certain minimum quantity of proof. They compare it with other theories. And even that comparison is, in the final analysis, usually between the proposed theory and its most important competitor.

Even in those instances in which a scientific theory is tested against a number of alternatives, each individual test of the theory is of necessity against a single alternative. A theory or paradigm is a way of looking at the world. As a result, no scientist can embrace more than a single paradigm at any given time. A scientist who defends more than a single paradigm or theory would be considered schizophrenic. His colleagues would ask him to identify the theory which he really believes. This is not to deny that a scientist, while brain-storming, might propose a number of possible theories. However, after a certain level of research had occurred, no scientist can actively support more than a single theory. Kuhn suggests that paradigms shape the world which a scientist sees. If he is correct then a scientist who embraced more than a single paradigm might be schizophrenic in the psychiatric as well as the logical sense.

In summary, hypothesis testing oversimplifies and misrepresents current scientific theory and practice. The oversimplification of scientific theory and practice casts doubt upon the viability of hypothesis testing as a debate paradigm. If real scientific theorists and practicing scientists reject the idealized hypothesis testing model, which has been proposed, then there would seem to be little reason for debate judges to use it in an activity whose function is quite different from science.

The fourth major problem with the model is that it produces inferior argument. Initially the paradigm reduces the incentive for the negative to clash with or research the affirmative case. The wise negative team, while debating in the hypothesis testing framework, does not attempt to deny the specifics of the affirmative proposal, but instead presents a plethora of alternative hypotheses. By presenting a host of alternatives, the negative multiplies the chances it has of defeating the affirmative. Since the alternatives are hypothetical, the negative is not held responsible for them and may drop any that are defeated. The natural result is that clash is reduced. This reduction in clash is most unfortunate because the clash of competing advocates facilitates the stringent testing of claims.

Perhaps even more seriously, the hypothesis testing framework teaches argumentative irresponsibility. The perspective allows the negative to drop their hypothetical counterplans, disadvantages, and motive arguments as they choose, without harming their overall

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strategic position. This can occur because the negative team is not held responsible for all of the arguments which they present, but only for those arguments which strategic exigencies lead them to defend. In like manner, the hypothesis testing framework allows affirmative debaters to modify their plan if an error is discovered. The result is irresponsible argument. In real science or policy analysis there is no costless dropping of arguments. An advocate who is forced to admit an error suffers a substantial loss of ethos. He has been proven wrong. In the real world strategic exigencies force advocates to carefully consider their positions. Debate should teach students that they too must be responsible for what they say.

The final problem with the hypothesis testing framework is that it demands more of the debate process than is feasible within the time constraints set by format. Real scientists reject as illegitimate and unfair the requirement that the proponent of a theory disprove all alternative theories. In addition, students of the policy sciences argue that, in the political forum, it is never possible to consider all potential courses of action. The hypothesis testing model, ignores this experience in both science and politics and demands that the affirmative defeat all of the hypothetical alternatives presented by the negative. The result is poor argument which does not adequately consider any alternative. There is not time in debate to adequately consider a host of alternative policies. In fact, as noted earlier, there is often not enough time to do justice to the comparison of two alternatives. As every additional proposal is added to those under consideration, argument necessarily becomes more cursory. Surely this serves no purpose. It would make a great deal more sense to view the debate process as a contest between two advocates, each with a single position. Such a framework fits within the reality of the political and scientific testing of theories and policies. In Congress, no single Representative or Senator defends, at any given time, several inconsistent pieces of legislation dealing with a single problem. No Senator would ever introduce two inconsistent pieces of gun control legislation. In much the same way, no scientist defends two theories in opposition to a proposed theory. Debate should take advantage of the experience in both science and policy analysis and demand that the affirmative and the negative each defend a single consistent perspective.

Hypothesis testing developed in response to real problems in policy making. Unfortunately the cure is in this case as bad or worse than the disease. Hypothesis testing is unclear, grossly unfair to the affirmative, misrepresents scientific practice, violates many of the assumptions of real science and does not fit the form of debate. It also produces bad argument. Hypothesis testing is an inappropriate model for judging debate.

CONCLUSION

Debate paradigms should not be based on the simple transfer of a metaphor from the real world to debate. Debate serves different functions than those served by the policy sciences, the natural sciences, or the law. M. Granger Morgan's recent editorial in Science is instructive: "Good science and good policy analysis are not the same thing and do not serve the same ends."[69] His statement might be modified to include debate, "Good science, good policy analysis, and good debate are not the same thing and none of them serves the same end." If there is one point that can be learned from the experience in both the policy sciences and the scientific testing of hypotheses it is that no paradigm works unless it fits the peculiar function of the field. The same is true in debate. A paradigm is needed which meets the unique needs of debate. It should be fair. It should be clearly explained. It should provide a good mirror of the policy environment under discussion. It should fit the form of debate. And most of all it should produce good argument.

NOTES

[1] David A. Thomas, "The Swing to the Systems Model in Debate: Some Implications for Debate Judging Standards," in Advanced Debate: Readings in Theory, Practice, and Teaching, ed. David A. Thomas (Skokie, Illinois: National Textbook, 1979), pp. 391-393.

[2] See John D. Cross and Ronald J. Matlon, "An analysis of Judging Philosophies in Academic Debate," Journal of the American Forensic Association 14 (Fall, 1978), pp. 110-112; David Thomas, "Mail Survey of Judging Philosophy--Compilation of Results," appended to the Judging Philosophy Booklet National Debate Tournament, University of Arizona, April 18-21, 1980.

[3] For a more complete discussion of standards for paradigm evaluation see Robert Rowland, "Standards for Paradigm Evaluation," in press, Journal of the American Forensics Association.

[4] See Lee Hultzen, "Status in Deliberative Analysis," in The Rhetorical Idiom, ed. Donald C. Bryant, (Itnaca, New York: Cornell University Press, 1958), pp. 97-123; See also John Dewey,How We Think (Boston: D. C. Health, 1910).

[5] For a clear exposition of stock issues analysis see Arthur N. Kruger, Modern Debate Its Logic and Strategy (New York: McGraw-Hill, 1960); Austin J. Freeley, Argumentation and Debate (Belmont, California: Wadsworth, 1965); James H. McBath ed., New YorkArgumentation and Debate: Principles and Practices Revised Edition Holt, Rinehart and Winston, 1963); Henry Lee Ewbanks and J. Jeffery Auer, Discussion and Debate: Tools of a Democracy (New York: Appleton, 1951).

[6] See David Zarefsky, "The Traditional Case-Comparative Advantage Case Dichotomy: Another Look," Journal of the American Forensics Association 6 (1969), pp. 12-20.

[7] See Cross and Matlon, p. 116.

[8] Wayne Brockriede and Douglas Ehninger, Decision by Debate Revised edition (New York: Harper and Row, 1978), p. 146).

[9] See Tom Goodnight, Bill Balthrop, and Donn W. Parson, "The Problem of Inherency: Strategy and Substance," Journal of the American Forensics Association 10 (1974), pp. 229-240.

[10] See for instance Freeley, p. 99; Kruger, pp. 164-166.

[11] See for instance James F. Klumpp et al Public Policy Decision Making: Systems Analysis and Comparative Advantage Debate (New York: Harper and Row, 1973), pp. 6-7.

[12] See Allan J. Lichtman and Daniel Rohrer, "The Logic of Policy Dispute," Journal of the American Forensics Association 16 (Spring 1980), p. 236.

[13] Lichtman and Rohrer, "The Logic of Policy Dispute," p. 238.

[14] Lichtman and Rohrer, "The Logic of Policy Dispute," p. 244.

[15] Charles Lindblom describes the rationalistic model as based on the assumption that all possible outcomes of policy change can be measured. Once that measurement is complete, the rationalists believe that scientific policy assessment can occur. See Charles Lindblom, "Strategies for Decision making," University of Illinois Bulletin, 1971.

[16] Lindblom, pp. 18-22.

[17] See Klumpp et al, Public Policy Decision Making, p. 14.

[18] James J. Unger cites David Zarefsky in "An Application of Theories to Academic Debate," in The New Debate, ed. Robert Branham (Washington, D.C.: Information Reserach Associates, 1973), p. 36.

[19] See Lichtman and Rohrer, "The Logic of Policy Dispute," p. 247.

[20] See Lichtman and Rohrer, "The Logic of Policy Dispute," p. 247.

[21] See for instance the judging philosophy of William Southworth in the 1980 N.D.T. Judging Philosophy Booklet, F. 71.

[22] Allan J. Lichtman and Daniel Rohrer, "Policy Systems Debate: A Reaffirmation," paper presented at the Speech Communication Association Convention in San Antonio, Texas, November 1979, p. 5.

[23] Lichtman and Rohrer, "The Logic of Policy Dispute," p. 238.

[24] Lichtman and Rohrer, "The Logic of Policy Dispute," p. 239.

[25] See Allan J. Lichtman, Daniel M. Rohrer and Jerome Corsi, "Policy Systems Analysis in Debate," in Advanced Debato, p. 388.

[26] See Klumpp et al, Public Policy Decision Making,p. 116.

[27] See James F. Klumpp et al, "Implications of a Systems Model of Analysis on Argumentation Theory," Journal of the American Forensics Association, 11 (1974), p. 4.

[28] Cross and Matlon, pp. 114-115.

[29] See Lichtman and Rohrer, "Policy Systems Debate: A Reaffirmation," p. 1.

[30] See Harold Green, "The Risk Benefit Calculus in Safety Determinations," George Washington Law Review 43(March 1975), p. 804.

[31] See for instance, David Zarefsky, "Inherency: The Continuing Vitality," paper presented at the Southern Speech Association Convention, Atlanta, Georgia, April 7, 1978.

[32] See Graham T. Allison, "Implementation Analysis: 'The Missing Chapter,' in Conventional Analysis. A Teaching Exercise," in Benefit Cost and Policy Analysis 1974, ed. Richard Zeckhauser et al (Chicago: Aldine, 1975), p. 370.

[33] See Allison, p. 370.

[34] See Gregory Palmer, The McNamara Strategy and the Vietnam War: Program Budgeting in the Pentagon, 1960-1978, (Westport, Connecticut: Greenwood Press, 1978).

[35] E. S. Quade, "Systems Analysis Techniques for Planned Programming-Budgeting," in Planning Programming Budgeting: A Systems Approach to Management, 2nd edition, ed. Fremont J. Lyden and Ernest G. Miller, (Chicago: Markham, 1972), p. 249.

[36] Lichtman, Rohrer, and Corsi, p. 389.

[37] See Laurence Tribe, "Policy Science: Analysis or Ideology?" in Benefit Cost and Policy Analysis 1972, ed. Richard Zeckhauser et al (Aldine: Chicago, 1973), pp. 32-33.

[38] Tribe, p. 34.

[39] Lichtman, Rohrer, and Corsi, pp. 375-396.

[40] See for instance Peter Self, "Cost Benefit Analysis and the Roskill Analysis," Political Quarterly, 14 (July-September, 1970), p. 251; Burke K. Zimmerman, "Risk Benefit Analysis," Trial, 14 (February 1978), pp. 44, 47.

[41] See especially Lichtman and Rohrer, "Policy Systems Debate a Reaffirmation," p. 4.

[42] Tribe, p. 38.

[43] See Garret Epps, "They Bet Your Life," Washington Post Magazine, 18 November 1979, pp. 43-44. On the same issue also see Michael Baram, "Cost-Benefit Analysis: An Inadequate Basis for Health, Safety, and Environmental Regulatory Decision making," Ecology Law Quarterly, 8 (1980), pp. 428-483.

[44] See Palmer, p. 129.

[45] See Aaron Wildavsky, "Recuing Policy Analysis from PPBS," Public Administration Review, 29 (March-April 1969), p. 193.

[46] Charles Lindblom, "Strategies for Decisionmaking," p. 6.

[47] Lichtman and Rohrer, "Policy Systems Debate A Reaffirmation," pp. 21-22.

[48]See Ward Edwards, "Tactical Note on the Relation Between Scientific and Statistical Hypotheses," Pyschological Bulletin, 63 (1965), p. 402.

[49]See George C. Edwards and Ira Sharkansky, The Policy Predicament: Making and Implementing Public Policy (San Francisco: W. H. Freeman, 1978), p. 10.

[50]Jacob Ukeles, "Policy Analysis: Myth or Reality?" Public Administration Review, 37 (May-June 1977), p. 226.

[51]See David Zarefsky, "A Reformulation of the Concept of Presumption," paper presented at the Central States Speech Association Convention, Chicago, Illinois, April 6, 1972; David Zarefsky, "Causation and the Analysis of Motives," paper presented at the Speech Communication Association Convention, Houston, Texas, December 30, 1975; David Zarefsky, "Argument as Hypothesis Testing," paper presented at the Speech Communication Association Convention, San Francisco, California, December 28, 1976; David Zarefsky, "The Role of Causal Argument in Policy Discussion," Journal of the American Forensics Association, 13 (Spring 1977), pp. 179-191.

[52]See Zarefsky, "A Reformulation of the Concept of Presumption."

[53]Zarefsky, "Argument as Hypothesis Testing," p. 15.

[54]Zarefsky, "Argument as Hypothesis Testing," p. 15.

[55] See Thomas Kuhn, The Structure of Scientific Revolutions, second edition revised (Chicago: University of Chicago Press, 1970), p. 145; John O'Shaughnessy, Inquiry and Decision (London: George Allen, 1972), p. 181; Robert Ackerman, Philosophy of Science (New York: Pegasus, 1970), p. 43.

[56]Neil McAgnew and Sandra Pyke, The Science Game (Englewood Cliffs, New Jersey: Prentice Hall, 1969), p. 166.

[57]Kuhn, p. 146.

[58]Edwards, p. 402.

[59]Lancelot Hogben, "Statistical Prudence and Statistical Inference," in The Significance Test Controversy, ed. Denton E. Morris (Chicago: Henkel Aldine, 1970), p. 33.

[60]Richard Rudner, "The Scientist Qua Scientist Makes Value Judgments," in Readings in the Philosophy of Science, ed. Baruch A. Brody (Englewood Cliffs, New Jersey: Prentice Hall, 1970), pp. 541-542. Also see C. West Churchman, Theory of Experimental Inference (New York: MacMillan, 1948); R. B.Braithwaite, Scientific Explanation (Cambridge: Cambridge University Press, 1953).

[61]Rudner, p. 542.

[62] The primary purpose of this process is to teach argumentative skills. See for instance the Sedalia Conference cited in "Definitional Statement," in Forensics as Communication: The Argumentative Perspective, ed. James H. McBath (Skokie, Ill.: National Textbook Company, 1975), p. 11.

[63] Paul Feyerabend, Against Method (London: Humanities Press, 1975), pp. 23-24.

[64] Paul Durbin, Logic and Scientific Inquiry (Milwaukee: The Bruce Publishing Company, 1968), p. 9. Durbin attempts to develop a consistent theory of science.

[65] Bruce Stewart, A Science of Social Issues (Metuchen, New Jersey: The Scarecrow Press, 1971), p. 17.

[66] Garvin McCain and Erwin Segal, The Game of Science (Monterey, California: Brooks-Cole, 1977), p. 81.

[67] See Kuhn, pp. 77, 79, 144-147; Stewart p. 35.

[68] Kuhn, p. 79.

[69] M. Granger Morgan, "Bad Science and Good Policy Analysis," Science, 15 September 1978, p. 971.

COUNTER-WARRANTS: AN IDEA WHOSE TIME HAS NOT COME

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Ralph Waldo Emerson once observed that "There is nothing more powerful than an idea whose time has come." Some ideas never do find their time and some ideas never should find their time. It will be the contention of this paper that the concept of counter-warrants, first articulated by James W. Paulsen and Jack Rhodes,[1] falls into the latter category.

It is certainly true that counter-warrants have become an integral part of many rounds of intercollegiate debate. Their utilization, albeit futile, in the final round of the 1980 National Debate Tournament, simply serves to note their increasing prominence. While the negative failed to make much headway with the approach in that round, and while Tim Hynes noted in his critique, "Many in debate hope that the concept has been successfully answered forever,"[2] one cannot assume that such will be the case. More definitive attempts to put to rest the notion of counter-warrants may be necessary. Certainly, Marjorie Keeshan and Walter Ulrich have offered a preliminary effort in that area. This paper will be an attempt to expand on such efforts and show why counter-warrants should be viewed as "The Rhodes Not Taken."

Paulsen and Rhodes begin with a fundamental error when they note that "...the ultimate duty of the judge, regardless of feelings toward the specific policy proposal offered by the affirmative, is to cast a ballot on the general resolution."[3] Keeshan and Ulrich have adequately addressed this issue and extensive development is unnecessary here. As they note, "The entire basis for the use of the counter-warrant is the view that the subject being debated is a resolution and that the focus of the debate is on the resolution, not an individual plan. There is little support for this position."[4] Paulsen and Rhodes claim there is a distinction between what debate theory calls for, i.e., a focus on the resolution, and what debate practice does, i.e., focus on the plan; however, they then assume, for unarticulated reasons, that the claimed general theory should take precedence over the noted specific practice. Yet they never indicate why the question of the resolution is more important than the question of the case, other than to rely on a statement by Goodnight, Balthrop and Parson that Keeshan and Ulrich later demonstrate as inadequate and unfair support.[5] Until some definitive defense of the resolutional focus per se is presented, there can be no defense of the concept of counter-warrants. Pending that, the debate community must continue to view the resolution as that which defines argumentative ground, i.e., which arguments are affirmative and which are negative.

But such an error is not the only basic conceptual problem that Paulsen and Rhodes encounter in their position paper. Some others can be discussed as well.

Paulsen and Rhodes contend that counter-warrants should be used both because and when affirmative teams have offered an overly broad interpretation of the resolution. As they wrote, "The counter-warrant would be dangerous only to an affirmative team using broad definitions and a narrow case area."[6] Counter-warrants are thus offered as a means of solving the problem of rampaging resolutional interpretations. However, such an approach fails to consider other, less drastic, means of solving the problem and. further, ultimately serves to exacerbate the situation.

Lest we forget, the debate community has at its disposal two conceptual constructs that already allow us to deal with such problems, i.e., the notions of topicality and significance.

In topicality, we are asked to determine jurisdictional matters about the case. The question turns on whether or not the particular case area falls within the realm of the topic. If arguments establish, to the satisfaction of the critic-judge, that it does not, an acceptable reason for the rejection of the resolution has been offered. The affirmative has simply not presented a viable defense of the resolution and, hence, there is no reason to vote for it.

Even if a case were topical, and even if it were still considered as overly restrictive, the debate community can then utilize the concept of significance as a means of rejecting the resolution. If the affirmative cannot justify its case as an important reason for the adoption of the resolution, it can be rejected on that basis as well.

It may be true that, in contemporary debate practice, few negatives are willing to focus on the issues of topicality/significance and/or that few judges are willing to risk the wrath of their colleagues by voting on them, but that does not change the fact that such traditional legitimate means of solving the envisioned problems do exist.

Counter-warrants then become simply another means of trying to handle a problem in another fashion. However, Paulsen and Rhodes do not address the issue of why a case that is both topical and significant should be considered as insufficient reason to adopt the resolution. They do note though, that "Subjective ground rules by individual judges which arbitrarily eliminate any theoretically acceptable approach simply because of some potential for 'destruction of debate-as-we-know-it' are arguably as great a danger to the integrity of debate as the worst possible results of counter-warrant use."[7] That, however, is precisely what they have done with counter-warrants. Because they see cases which are considered by debaters and judges as both topical and significant as being destructive of debate as we know it, they have arbitrarily eliminated the theoretically acceptable approach of utilizing two basic stock issues. Thus, their defense of counter-warrants belies their justification for counter-warrants.

However, the objection to the use of counter-warrants is not simply that they are an unnecessary addition to topicality and significance but that they are less useful than the two stock issues as they exacerbate the precise problems that Paulsen and Rhodes are concerned about.

Paulsen and Rhodes suggest that an affirmative would avoid the problem of the introduction of counter-warrants if it opted for "a broad affirmative case".[8] Such an approach would thus encompass the entire resolution. (At this point, Paulsen and Rhodes use the terms "broad case" and "stock case" interchangeably, Clearly, they are not the same but the assumption will be made, given the context of the remarks, that Paulsen and Rhodes are writing of the more all-encompassing approach.) Doing so, though, would not eliminate the need for counter-warrants and, in fact, might even make their introduction more compelling. For example, assume the topic were "Resolved, the Federal Government should act to substantially increase legal immigration into the United States." In order to avoid the introduction of counter-warrants, Paulsen and Rhodes would seemingly call for the affirmative to offer a case that defends all immigration rather than increased immigration for narrow selected groups. However, while the affirmative would have to defend increasing all such immigration, the negative could choose to argue what would be essentially a counter-warrant predicated upon not allowing the entry of convicted nuclear terrorists. Granted, it would not be labeled a counter-warrant but rather a disadvantage. However, the ultimate impact would be the same as if an affirmative were defending increasing immigration for Southeast Asians and the negative chose to argue terrorists. The difference would be that the affirmative would be unfairly forced into a potentially untenable position. Thus, rather than solving the problem of affirmatives running "unrealistic" cases, Paulsen and Rhodes would virtually ensure that.

Consequently, Paulsen and Rhodes have not established a viable conceptual justification for the introduction of counter-warrants. Instead, they leave themselves open to a variety of other problems.

It should be noted that Paulsen and Rhodes, in their article, were aware of some of the "practical objections" that could be raised against the utilization of the counter-warrant approach. It is their defense against such objections that merits further consideration.

First, they grant that "extensive use of counter-warrants might well legitimize and even mandate virtual 'no-clash' debate."[9] Keeshan and Ulrich allude to the inadequacy of the Paulsen and Rhodes defense when they note that "While Paulsen and Rhodes suggest that the clash may occur at the level of the resolution, that is unlikely, since the negative will have every incentive to give cases that are clearly bad."[10]

The problem in this area stems not simply from a practice in contemporary debate, as Paulsen and Rhodes seem to indicate, but rather from a basic misunderstanding of the role of issues in the process of argumentation. Rieke and Sillars contend that an issue is the result of the clash of two arguments.[11] The concept of counter-warrants does not rely upon the clash of two arguments making one central issue the focus of the debate but rather concentrates on two sets of arguments with two separate issues as the focus. To discuss one, it is not necessary to discuss the merits of the other per se. Thus, no central substantive issue exists in the counter-warrants debate unless there is some willingness for cross-over and Paulsen and Rhodes acknowledge in their defense that such cross-over would not take place on the substantive matters but rather on a metatheoretical level in terms of the resolution.[12]

The claim here is not that there would not be any issues in the debate but rather that the issues would be joined at a totally different level. In his critique of the 1980 NDT, Roger Solt indicated the problematic result when he referred to the fact that such tactics "express the recent tendency of debate to become increasingly esoteric, overly wrapped up in itself, and divorced from real policy concerns."[13] The joining of issues at such a level would not appear to serve the debate community well.

Next, Paulsen and Rhodes admit that "a second and related disadvantage of this approach would be a general tendency toward superficial analysis."[14] Again, Keeshan and Ulrich deal with this practical objection. Paulsen and Rhodes contend that "in response, it might be noted that the current breadth of topics already mandates shallow analysis."[15] First, that argument contradicts their position that broader cases are possible under the resolution and the narrow ones are not "mandated." Second, they never attempt to prove that there is a necessary correlation between many cases and shallow analysis. Third, it indicates a rather defeatist position on their parts, i.e., the notion that we can no longer solve the problem so we should simply give up and create yet another problem.

While Keeshan and Ulrich cite some of the harmful consequences, yet another problem could be expected in the area of shallow analysis. Contemporary debate practices often find affirmative teams offering extra-ordinarily detailed plans full of spikes to answer possible negative objections. With the widespread use of counter-warrants, one might naturally anticipate the opposite will occur. Affirmatives could be expected to offer only skeletal plans so the team could remain flexible enough to shift resolutional focus to a different area if the need should arise. The use of counter-warrants would encourage affirmatives to avoid tipping their hands until they saw what specific case area counter-warrant the negative intended to discuss. It may even be that affirmatives would be encouraged to revert to the placement of the plan in the second affirmative constructive. If such events occur purely for reasons of strategic advantage rather than for conceptually defensible reasons, the debate community will have begun to place a greater emphasis upon gamesmanship than upon analysis. Counter-warrants would thus have the adverse effect of contributing to a serious distortion of game theory in academic debate.

To the extent that one accepts the notion that the presence of numerous affirmative case areas is responsible for shallow analysis, counter-warrants are potentially the cause of another analytical shortfall, this time in terms of implementation rather than rationale. If the community accepts the idea that the negative should be allowed to offer any opposing warrant for the rejection of the resolution, what would be the objection to allowing the negative any number of means of implementing that, or any other, warrant? Thus, an affirmative would have to not only concern itself with counter-warrants but with counter-implementations as well. It would not be sufficient for the affirmative to simply show that every possible case area is acceptable but also that every possible means of implementing that case area is possible as well. Since the judge is supposedly only voting on the resolution and since the affirmative is not then allowed the right to restrict the case area, there does not appear to be any justification for a restriction on the scope of implementing approaches which fall within the case area.

The negative would be allowed to argue both counter-warrants and counter-implementations for those warrants. Given the difficulties that hypothetical counterplans that are not resolutional present, one need only imagine what would occur if the debate community were faced also with an infinite array of hypothetical counter-implementations that are resolutional as well. Certainly Paulsen and Rhodes never foreclose that possibility in their article and instead only open the door to such extensions of their notion. The problems of doing such clearly would be manifold.

Paulsen and Rhodes do not attempt to defend counter-warrants against the charge "that allowing the negative this much flexibility in argument skews the odds far too heavily toward the side that happens to be assigned the negative in a given round."[16] Paulsen and Rhodes have made the statement that "It would be naive to suggest that affirmative teams search for the most representative 'example of the resolution' obtainable. Rather they search for the best case area possible, with the sole intention of winning the round--giving an observer every reason to suspect that the advocate has not chosen the most representative instance available as part of an altruistic search for truth."[17] To the extent that they truly believe that, one certainly could expect the negative to do the same. At that point, any thought of debaters engaging in the activity for reasons other than winning rounds would appear to dissipate.

Another practical problem suggests itself. In the long run, if counter-warrants continue to be employed, one could expect there will be a sharp move toward more and more narrow topics being offered on the topic selection ballot because the negative as well as the affirmative would be expanding the area of clash. To the extent that the debate community may be upset about the large number of specific cases that can and are being run by the affirmative, the concern which prompted the development of counter-warrants, that tendency would simply be exacerbated by the existence and presence of counter-warrants in rounds. To be sufficiently narrow to preclude the introduction of many counter-warrants, the debate topic would become virtually undebatable, especially for an entire year. One wonders if Paulsen and Rhodes would view that as an advance.

It should be noted that counter-warrants are an impractical solution to the problems outlined by the proponents. In a sense, they seek to fight fire with fire, i.e., they propose to counter broad resolutional interpretations with broad negative latitude. While such a technique is used by trained firefighters in certain circumstances, in this instance it appears to be more of a case of arson than fire control. It would seem that such an approach exacerbates the problem rather than solves it by making all of the problems of non-germane or tangential discussion worse. To the extent that one believes there is a problem with broad resolutional interpretations, it is better to fight fire with water and work on the problem from the affirmative side. If stock issues such as topicality and significance are perceived as inadequate, more direct efforts can be made by the debate community, such as placing more qualifiers in the resolution or making greater use of the parameters. Counter-warrants are both unnecessary and potentially harmful.

Assuming that counter-warrants are used, though, some discussion needs to be offered with respect to the difficulties in judging counter-warrant rounds. Since Paulsen and Rhodes do not discuss that issue, some speculation may be useful. It would appear that all paradigmatic approaches would have difficulties with the utilization of counter-warrants. As Clark Olson observes, "The counter-warrant presents particular problems for the judge in academic debate. Whatever discision-making paradigm is adopted, counter-warrants avoid clash and hinder the decision-making process."[18] Olson overviews the impact counter-warrants would have in various judging frameworks. In synopsis, he notes that "For the policy maker, the use of counter-warrants impede the direct comparison of competing policies by injecting uncomparable arguments into the round..... For the stock issues judge, counter-warrants circumvent refutation of the main stock issues. ... Counter-warrants are the antithesis of arguments the hypothesis tester would accept....as they are by definition 'propositional.' ... Counter-warrants only serve to confuse the tabula rasa judge, forcing him or her to sort out the arguments presented by the debaters and weigh them on some scale not presented in the context of the round. ... Counter-warrants would also be a futile technique from a legislative decision-making model."[19] Thus, it would appear that regardless of the particular judging paradigm favored by a given individual, the utilization of counter-warrants would entail significant problems. Precise guidelines have not been offered to critics with respect to either general philosophical approaches or specific issues weighting. One would hope that at some point Paulsen and Rhodes or others will indicate how judges are to assess counter-warrants in terms of judging the round.

While all previous discussions of counter-warrants have been predicated upon their use in intercollegiate debate, one must also consider the potential utility and applicability of the concept of counter-warrants in nonacademic debate settings, i.e., in settings more representative of the broad-based nature of argumentation. Doing so can help determine whether the significance of counter-warrants is limited to forensic argumentation or if it is of importance to more general argumentation as well.

Given the fact that Paulsen and Rhodes never offer a theoretical, as opposed to pragmatic, justification for the introduction of the notion of counter-warrants to intercollegiate debate, it is not surprising that attempts to justify its introduction into other areas are thus far lacking. If counter-warrants seem particularly ill-suited to the field of academic debate which spawned their existence, their usefulness is at least equally questionable in nondebate realms. Allow me for a moment, though, to speculate on the use of counter-warrants in the legal and legislative arenas, two areas which serve as prime targets for argumentative analysis.

In the legal arena, the futility of utilizing counter-warrants is evident. The basic problem can be traced to the highly artificial justification offered for counter-warrants. Clearly, contemporary argumentation has been highly influenced by the works of Stephen Toulmin and Chaim Perelman. As Richard Crable notes, "Both men speak of argumentation by referring to a jurisprudential model of argument: The result is not an argumentative theory that can be applied to judicial communication, but an approach to argumentation built upon judicial communication."[20]

Paulsen and Rhodes did not draw their ideas from the legal field or from the works of Toulmin and Perelman. Thus, in the current situation, any effort to apply counter-warrants to the legal arena would be an attempt to squeeze applicability out of them rather than to expand on their natural occurrence. Given the fact that a trait of contemporary argumentation is to examine reasoning in use as opposed to imposing selected standards,[21] Paulsen and Rhodes' use of counter-warrants in the legal arena would seem antithetical to the trend of contemporary developments in argumentation.

Similar problems can be found in the legislative arena. In this area, Paulsen and Rhodes do attempt to claim an analogy. They contend that in "...parliamentary or legislative debate, an advocate trying to win support for a vague, broadly-worded resolution through a single, carefully-selected, and limited example probably would not find his opponents willing to agree to limit themselves to only the example he provides. They would instead draw from other examples which denied the validity of the resolution and would perhaps not even address themselves to the specific example provided by the affirmative advocate."[22] However, Paulsen and Rhodes have constructed an artificial contention that does not withstand further scrutiny. While Keeshan and Ulrich have delineated some of the problems in confusing bills and resolutions, other problems are apparent as well.

First, the parallel is clearly an unfair one. Legislators have not only an initial choice in the framing of the wording of the bill or resolution but the opportunity to amend the wording as the debate is in progress as well; it is neither imposed upon them nor essentially unchangeable as it is in the case of the debate resolution. To claim a similarity without considering that issue is to fail to accurately understand the ramifications of the dynamic process of interaction and alteration in argumentation.

Second, Paulsen and Rhodes defeat their own case with the specific example they later provide. They cite "...the Gulf of Tonkin resolution as an example of the dangers of passing a broadly worded resolution on the basis of a single example." [23] The Gulf of Tonkin resolution, while broadly worded (and argued against for that very reason by Ernest Gruening and Wayne Morse) still applied only to increasing presidential powers in southeast Asia.[24] If the Congress had been forced to debate the issue of presidential power expansion, as the constraints of academic debate would demand, the artificially "affirmatively designated" members of Congress would seemingly have to defend the totality of such expansion rather than focus on a specific area. Collapsing the discussion to specific concerns or problems is precisely what Paulsen and Rhodes contend as that which justifies the use of counter-warrants and yet failing to do so may well lead to even broader, potentially less justifiable positions.

Clearly, counter-warrants, which have extremely limited utility in academic debate, cannot be readily transferred to areas such as the law and the legislature. It does not appear that counter-warrants offer any major gain to either debate theory or to argumentation theory.

It is perhaps telling that Paulsen and Rhodes subtitled their article "A Modest Proposal." Therefore, it would be fitting to conclude with some comments made by Jonathan Swift. As he wrote, "a nice man is a man of nasty ideas." Paulsen and Rhodes may be nice men but counter-warrants are a nasty idea. Yet Swift also observed in the same essay that "a man should never be ashamed to own he has been in the wrong, which is but saying, in other words, that he is wiser today than he was yesterday." Perhaps this paper may help Paulsen and Rhodes to make that admission.

FOOTNOTES

[1] James W. Paulsen and Jack Rhodes, "The Counter-Warrant as a Negative Strategy," Journal of the American Forensic Association 15 (Spring 1979): 205-210.

[2] Thomas J. Hynes, Jr., "Critique of the 1980 National Debate Tournament Final Round," Journal of the American Forensic Association 17 (Summer, 1980): 48.

[3] Paulsen and Rhodes, 205.

[4] Marjorie Keeshan and Walter Ulrich, "A Critique of the Counter-Warrant as a Negative Strategy," Journal of the American Forensic Association 16 (Winter 1980): 199.

[5] Keeshan and Ulrich, 200.

[6] Paulsen and Rhodes, 210.

[7] Paulsen and Rhodes, 210.

[8] Paulsen and Rhodes, 210.

[9] Paulsen and Rhodes, 209.

[10] Keeshan and Ulrich, 202.

[11] Richard D. Rieke and Malcolm O. Sillars, Argumentation and the Decision-Making Process (New York: John Wiley & Sons, Inc., 1975): 49.

[12] Paulsen and Rhodes, 209.

[13] Roger Solt, "Critique of the 1980 National Debate Tournament Final Round," Journal of the American Forensic Association 17 (Summer, 1980): 56.

[14] Paulsen and Rhodes, 209.

[15] Paulsen and Rhodes, 209.

[16] Paulsen and Rhodes, 209.

[17] Paulsen and Rhodes, 206.

[18] Clark Olson, "Counter-Warrants and Clash: Never the Twain Shall Meet," paper to be presented at the Speech Communication Association convention, Anaheim, California, November 1981,: 3.

[19] Olson, 4-6.

[20] Richard E. Crable, "Models of Argumentation and Judicial Judgment," Journal of the American Forensic Association 12 (Winter, 1976): 113.

[21] Richard Rieke and Sara Newell, "Toward a General Theorv of Emerson's General Theory of the First Amendment," paper presented at the Western Speech Communication Association convention, San Jose, February 1981.

[22] Paulsen and Rhodes, 207.

[23] Paulsen and Rhodes, 209.

[24] Frances Fitzgerald, Fire in the Lake (Boston: Little, Brown and Company, 1972): 232.

A DEFENSE OF THE COUNTER-WARRANT AS NEGATIVE ARGUMENT

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In the original article which initiated the term "counter-warrant," Jim Paulsen and I argued:

> In short, we do not claim that use of counter-warrants would lead to a better or more enjoyable argumentative experience in general, but only that with a broad resolution and a narrow affirmative case, a negative team might win more rounds.[1]

We further said:

> ... we do not advocate the counter-warrant as a major advance in argumentation theory, but as a plausible response to an existing situation. Any negative effects of the strategy reflect mainly on current affirmative approaches, since the counter-warrant is reasonable only given an affirmatively-imposed distinction between plan and resolution.[2]

In the ensuing discussions over counter-warrants, I feel that these two passages have been rather unfortunately neglected because, taken together, they give an accurate statement of what Paulsen and I were trying to do when we devised this theory. We believed that exotic affirmative interpretations of the national debate topic had indeed gotten out of hand, if not before, then certainly by, the 1975-76 and 1976-77 debate seasons. It appeared that affirmatives could do little wrong: the proportion of affirmative wins had become outsized at most major tournaments, debate teams were uniformly choosing the affirmative after the coin toss, and judges at the national level seemed to have despaired of the efficacy of clamping down on "squirrel cases" by voting negative on topicality. It further seemed to us that the efforts of the forensic community to impose restrictions upon the intercollegiate debaters' interpretations of the topics were misguided, inappropriate, and probably doomed to failure. (Certainly the experience to date with parameters, especially the non-binding variety, seems to bear out our belief in the lack of effectiveness of imposed interpretations.)

The counter-warrant, then, resulted from a desire to provide another weapon in an anemic negative arsenal of arguments, a weapon that might conceivably do something to redress a perceived imbalance of affirmative victories due largely to the element of surprise. As the second passage I read above indicates, we envisioned the counter-warrant as an effective argument only against cases in which the affirmative team had singled out a very narrow example of a broad proposition.

The best defense against the counter-warrant is for an affirmative to propose a case squarely meeting the resolution. Now interpretations of what is topical certainly do vary; but our original idea, which still seems valid to me, was that the negative would run counter-warrants only against really flagrant "squirrels." Most coaches and debaters can identify very unusual cases that seem to circumvent the most likely intentions of the Topic Committee and can then decide whether the counter-warrant option is appropriate. But since topicality appeared to be an issue in which both judges and negative debaters had evidently lost confidence, we perceived a need for another argument which negative teams could employ when they reached for their file boxes and briefs during first affirmative constructive and found that, despite careful and time-consuming research, the affirmative team had correctly guessed that the negative had nothing specific to say. We saw the counter-warrant, then, as "a plausible response to an existing situation."[3]

We did not have to look very far in order to locate models for this debate strategy (although the term itself, so far as I know, is original with us). The original article set forth our position on inductive reasoning, which stems from the scientific principle that countervailing examples tend to call a generalization into question. We used the example of the Gulf of Tonkin Resolution to illustrate "the dangers of passing a broadly-worded resolution on the basis of a single example."[4] Analogies from other fields are abundant. Lawyers in civil cases routinely file counter-claims after damage claims have been filed against their clients; these counter-claims may have rather little to do with the charges in the original plaintiff's claim. Legislators debating a specific bill frequently call for its rejection on the basis of disadvantages that would result from overly-broad language or potential misinterpretation of the proposed legislation. Grocery stores engage in price wars: when one store lowers its price on cantaloupes, the next store may be locked into a contract which will not permit matching the first store's cantaloupe sale price; as a counter-warrant, the second store might ignore the cantaloupe issue and undercut the first store's advertised price on tomatoes. The grocery stores are, without explicitly stating a proposition, trying to convince the shoppers of the general argument that one store is preferable to the other when the total food bill is tallied.

In an important sense, therefore, counter-warrants are everyday justification arguments. They frequently function this way in the world at large, and they are intended to function in the same way in debate rounds. The negative team is saying to the affirmative: "You have chosen an unreasonably narrow segment of the entire debate proposition. Let's see you justify the entire resolution because we think, to adapt the test suggested by A. Craig Baird, that 'negative instances are discoverable.' "[5] The team using counter-warrants is developing the justification argument farther than it is taken in most academic debates by giving fairly-detailed examples of the negative instances which warrant rejection of the entire resolution.

Yet another way in which counter-warrants can be viewed is as a return to the old-fashioned "negative constructive case." Many years ago, it was not unusual to hear first negative constructive speeches devoted entirely to a statement denouncing the wisdom of adopting the resolution, irrespective of the plan or case which had just been advanced by the affirmative. In those days the two teams seemed to agree that the focus of the debate would be on the resolution itself and that the affirmative would be expected to shoulder the burden of defending the consequences of resolutional adoption whether or not these consequences stemmed directly from the specifics of the affirmative proposal.

Now whatever one might think about these antecedents of counter-warrants, justification arguments or negative constructive cases, it should at least be clear to everybody that neither of those practices "destroyed debate." And, I submit, neither will counter-warrants. Participants, coaches, and administrators might destroy debate-as-we-know-it. Budgetary limitations and recalcitrant legislators might deal it a severe blow. But theoretical innovations, even those which hearken back to rather obvious ancestors, cannot harm the activity. As we argued in 1979:

> Subjective ground rules by individual judges which arbitrarily eliminate any theoretically acceptable approach simply because of some potential for 'destruction of debate as the worst possible results of counter-warrant use.[6]

That statement is one of the few which finds favor with Ulrich and Keeshan in their 1980 article: "If they [Paulsen and Rhodes] mean that a judge should not reject the counter-warrant without theoretical argumentation by the affirmative as to why the position is inappropriate, we agree."[7] As we turn to the various criticisms levelled against the counter-warrant, therefore, I hope we can all agree that debate judges should never arbitrarily rule out a new idea because it _is_ new or just because they don't fully understand it. I hope we can all agree that theory and substance are both appropriate areas for debate and that the students should debate the issues raised rather than having the judge rule certain ideas "off limits." To do otherwise, in my view, limits freedom of expression and inquiry in an activity ostensibly devoted to that very pursuit.

Before turning to the major criticisms of counter-warrants, we should briefly dispense with one terminological issue raised by Keeshan and Ulrich: that of whether the forensic community debates a "proposition" or a "resolution."[8] I find this argument particularly tedious because: (1) The Goodnight, Balthrop, and Parson article used "resolution" in the passage we quoted in 1979, and we were just following that lead; (2) The terms "topic," "resolution," and "proposition" are used indiscriminately and interchangeably by the forensic community; (3) Authorities such as Austin Freeley and Wayne Thompson use the terms interchangeably in their textbooks;[9] and (4) After advancing this distinction, Keeshan and Ulrich proceed to use the terms interchangeably throughout their own article.[10] For purposes of counter-warrant discussion, then, please consider that in a debate context I expect to mean virtually the same thing when I say "topic," "proposition," or "resolution."

I will respond briefly to the three objections to counter-warrants anticipated in our original article and extended by Ulrich and Keeshan: encouragement of "no clash" debates; encouragement of superficial analysis; and an unfair benefit for the negative.

Clash: My first reaction to this criticism has always been that clash seems to be a "sacred cow" among debate coaches. They talk as though it is a tangible, quantifiable, easily-identified commodity, saying that more clash is "good" and less clash is "bad" and that an optimum degree of clash is "desirable" for a good round. Yet clash is obviously an elusive and relative term. Even in the accepted Direct-Clash Format, the negative team still has an opportunity to accept or reject the issues and may choose *not* to clash with certain areas deemed important by the affirmative.[11] I do not think "lack of clash" should be allowed as a "scare word" to dissuade us from examining a new theory; perhaps we should instead re-evaluate the nature and importance of clash in debate rounds.

Let us put this *outre* response aside f a moment, however, and assume that clash is important, although not as important as I think Ulrich and Keeshan believe it to be. Is there *any* inherent reason why, in the name of an elusive spectre called "clash," the negative should, as Ulrich and Keeshan insist, emphasize the affirmative case? Is not the military rule applicable in debate that "the best defense is a good offense?" Why should a negative be honor-bound to get beaten by an affirmative that springs a squirrel case on which they have no evidence? Is the negative honor-bound to "save debate" in this way? Is the affirmative that has run the squirrel really interested in the noble principle of clash? Why should the negative be any more restricted than the affirmative? Of course there is no reason to expect a negative to play by rules other than those granted to an affirmative. In my view, the counter-warrant is part of "a good offense" against an affirmative that has already deliberately abrogated the agreement (if such exists) that two debate teams are supposed to clash.

Further, as we say in the 1979 article, "the counter-warrant option would certainly not prohibit direct refutation of the affirmative case area. In fact, it might work best (and certainly would be less risky) in combination with case refutation."[12] Although Keeshan and Ulrich seem to doubt that this would happen, every counter-warrant debate I have heard since the publication of the article, with one lone exception, featured a balanced combination of counter-warrants and case refutation.

Finally, I think Keeshan and Ulrich simply misunderstand the point when we say that clash is still occurring "at the level of the resolution rather than at the level of the specific policy proposal."[13] They respond to this in only one portion of one sentence, saying that "the negative will have every incentive to give cases that are clearly bad."[14] But that sentence is not responsive. The point is that clash will occur *regardless* of whether it is advanced well or badly precisely because the two teams will be debating the more general issue, the entire resolution, rather than the more limited one, the specific affirmative case. To make this clear, let me illustrate from the

1981-82 intercollegiate topic, "Resolved: That the Federal Government should significantly curtail the powers of labor unions in the United States." Let us suppose that the affirmative advances a case built entirely around medical malpractice, alleging that the American Medical Association condones needless surgery and that the AMA is a union whose power to create this slaughter has to stop. In addition to the fact that the affirmative itself is pretty clearly interested in non-clash rather than clash, the negative using the counter-warrant can increase the clash in this debate by shifting that clash to the resolutional level. Rather than "rolling over and playing dead," which would involve no clash at all, or attempting inadequately to find something to say about this squirrel on its own level, the negative can say, in effect: "To take this one area and adopt the affirmative resolution, you, as a judge, would have to ignore what other effects (unrelated to the AMA) might come about by hasty adoption. If you adopt this language, you have covered not only the affirmative's example but also more 'topical' ones such as the power to strike. Let's look at the disadvantages that will follow if this resolution is adopted on the advice of the affirmative and is then interpreted to mean that unions cannot strike." It is true that in this example there is no conventional clash over the specifics of the AMA proposal advanced by the affirmative. But why should there be if the affirmative has abused its traditional right to choose the ground? I submit that there is clash occurring at the resolutional level now because the negative has shifted the focus of the debate back to the resolution rather than debating the specific squirrel proposal. I hope that affirmative teams are still locatable who are, after all, willing to debate the resolution.

Superficial Analysis: I must admit that this is the charge about counter-warrants which strikes me as most likely to be accurate. The time constraints of academic debate will probably mean that the introduction of more alternatives and more proposals will result in less attention to the details of those proposals. There are two responses, however.

The first is that, although the counter-warrant might "exacerbate an already bad situation,"[15] it certainly did not initiate that situation. Nor is it a unique factor in continuing that situation. Again the problem reflects on the affirmative choice of a narrow interpretation of a broad resolution. This choice naturally forces superficial analysis onto the negative and puts the negative into the position of fighting for survival through generic disadvantages, conditional counterplans, hypothetical counterplans and other "canned" arguments which certainly do as much as counter-warrants to encourage superficial analysis.

My second response is that I think Keeshan and Ulrich once again have misunderstood the thrust of the original 1979 article in JAFA. They fear that "The need to find undesirable counter-warrants would lead to the use of lower quality and unlikely interpretations by the negative."[16] On the contrary: the negative should use the most straightforward, most clearly topical, most compelling counter-warrants it can find so as to illustrate to the judge that the affirmative case is indeed atypical of the resolution. For we must recall that the intention of counter-warrants is that they be used only against the flagrantly non-topical cases. The negative wants to show dire consequences from adopting the resolution; its case will be best served by choosing representative, mainstream cases with compelling disadvantages and definitely not by low quality or esoteric interpretations of the topic.

Unfair Advantage for the Negative: When we first wrote the counter-warrant article, Jim Paulsen and I sought to redress a perceived imbalance which was then (and, in my opinion, still is) tilted toward the affirmative. In so doing we unwittingly aligned ourselves with one of Keeshan and Ulrich's state criteria for testing the value of a new theory: "The theory should place both advocates on an equal ground."[17] We acknowledged, as Keeshan and Ulrich note, that the counter-warrant option might skew the odds toward the negative. But we added, as they did not note, this important paragraph:

> To assume that widespread acceptance of the counter-warrant would reduce teams to prepared negative scripts and a mandated 4-4 record ignores the dynamics of debate and the certainty that debaters will respond quickly and creatively to any threat to their competitive success on the affirmative side of the resolution.[18]

We went on to suggest that the affirmative's simplest defense would be to remain well within the boundaries of the topic. Were affirmatives to do that, the counter-warrant option might lose all of its utility. But, of course, it would then have done the job for which it was created: to push affirmative teams back toward the most obvious interpretations of the resolution and away from squirrel cases.

Keeshan and Ulrich conclude their criticism of counter-warrants by stating without further explanation that the general approach seems to have no educational benefit and by citing three criteria which may be used to test new theoretical appraoches: "(1) The theory should enhance the quality of debate; (2) The theory should promote the educational value of debate; (3) The theory should place both advocates on an equal ground."[19] They state that these are "admittedly vague goals."[20] I will conclude this paper by arguing that I think the theory does meet all three of these goals rather directly.

Counter-warrant theory was developed, as I have shown, to try to place both sides on a more nearly equal footing. If properly handled, it has the potential to accomplish that goal.

Despite Keeshan and Ulrich's bald statement on "no educational benefit," many generations of coaches and students have found justification arguments and even negative constructive arguments to be of considerable educational benefit. The counter-warrant, in addition to resurrecting these forms of argument in a new guise, also has analogies as I have shown to legal, commercial, and other arenas of argumentation. Further, counterargument is a long-standing branch of argumentation and debate advocated in many textbooks.[21] Counter-warrants add one more dimension to that branch. I am vain enough to think that the number of debates in which counter-warrants have been featured, including the finals of the 1980 National Debate Tournament, indicates that the idea has not only some merit but that some debaters and coaches think it has educational and strategic benefit.

I cannot, however, claim that counter-warrants will meet Ulrich and Keeshan's first goal (which is the vaguest of them all), that of enhancing the quality of debate. But I also cannot think that one more weapon in the negative arsenal is going to hurt seriously a product in which much of the quality control seems to have been lost in the shuffle long ago. The catalytic effect of the counter-warrant proposal may improve debate in the long run by, as Ulrich and Keeshan acknowledge, focusing "attention on the nature of the resolution and its functions in debate" and thus forming "a starting point for an examination of debate theory."[22]

But, then, we never entered this area of research with the intention of fulfilling the vague goals set forth by Keeshan and Ulrich, even though we might partially meet them by serendipity. Our charge was "that with a broad resolution and a narrow affirmative case, a negative team might win more rounds."[23] I will be content if, in addition to the stimulating discussions it has already provoked, the counter-warrant can indeed help an occasional negative team achieve that goal.

In the latest edition of his classic textbook Argumentation and Debate, Austin Freeley gives a good statement of the theoretical issue raised by the Paulsen and Rhodes article: "This raises an interesting theoretical question that has not yet been fully resolved by the forensic community: Should the debate focus on the resolution or on the affirmative's plan?"[24] I sense that the idea is moving into the mainstream of academic debate when I see further in Freeley a two-page insert on the "Speaker Responsibilities in a Counter-Warrant Debate" and these lines:

> Debates on counter-warrants also require that the debaters have a sound knowledge of argumentation and debate theory.... The use of counter-warrants negative case is not recommended for the beginning debater. Such cases are best reserved for more experienced debaters. We consider them here, however, because even the beginning debater must be aware of them and affirmative debaters may have no choice but to deal with them.[25]

If indeed the statement is correct that affirmative debaters may have "no choice but to deal with them," the original purpose of the counter-warrant option is fulfilled and the tactic validated as another weapon in the negative arsenal.[26]

Footnotes

[1] James W. Paulsen and Jack Rhodes, "The Counter-Warrant as a Negative Strategy: A Modest Proposal," *Journal of the American Forensic Association*, XV (Spring 1979), p. 209.

[2] Paulsen and Rhodes, p. 210.

[3] Paulsen and Rhodes, p. 210.

[4] Paulsen and Rhodes, p. 209.

[5] A. Craig Baird, *Argumentation, Discussion, and Debate*, McGraw-Hill, New York, 1950, p. 117.

[6] Paulsen and Rhodes, p. 210.

[7] Marjorie Keeshan and Walter Ulrich, "A Critique of the Counter-Warrant as a Negative Strategy," *Journal of the American Forensic Association*, XVI (Winter 1980), p. 202.

[8] Keeshan and Ulrich, pp. 199-200.

[9] See Austin J. Freeley, *Argumentation and Debate: Reasoned Decision Making*, Wadsworth Publishing Company, Belmont, California, 1981, p. 210 and *passim*. Also see Wayne N. Thompson, *Modern Argumentation and Debate: Principles and Practices*, Harper and Row, New York, 1971, p. 19 and *passim*.

[10] Keeshan and Ulrich, *passim*.

[11] Freeley, p. 279.

[12] Paulsen and Rhodes, p. 209.

[13] Paulsen and Rhodes, p. 209.

[14] Keeshan and Ulrich, p. 202.

[15] Paulsen and Rhodes, p. 209.

[16] Keeshan and Ulrich, p. 202.

[17] Keeshan and Ulrich, p. 203.

[18] Paulsen and Rhodes, p. 210.

[19] Keeshan and Ulrich, p. 203.

[20] Keeshan and Ulrich, p. 203, footnote.

[21] A good example is in Thompson, p. 220.

[22] Keeshan and Ulrich, p. 203.

[23] Paulsen and Rhodes, p. 209.

[24] Freeley, pp. 209-210.

[25] Freeley, pp. 208-211.

[26] The following passages were added to the text just before presentation.

(1) Ms. Ganer wants people to believe that Significance and Topicality are effective enough weapons in the negative arsenal. But the problem with these two weapons is very fundamental: they do not work; judges seldom vote on them anymore at the national level unless the affirmative drops a response to one of these arguments or unless the judge decides to intervene, in an *a priori* fashion, with a subjective determination of what is truly topical or significant. Ms. Ganer's position reminds me of Pseudo-Inherency in that she says that the arguments *do* exist but cannot defend their efficacy. I think we should add an additional negative weapon to the arsenal rather than polishing up useless ones.

(2) There is much discussion over the nature of the resolution. Do teams have to shoulder the burden of the entire resolution, or may an affirmative simply interpret the resolution to be a "demarcation line" which defines affirmative territory? While opinions vary, surely the former interpretation is at least more likely to be historically correct if we take the long view. From the beginning of a national resolution until about 1973-74, the entire resolution was normally thought to be debated, as Paulsen and I showed in the beginning of the original article in 1979. The "demarcation line" approach is comparatively recent and seems to have no real theoretical underpinning other than current practice. I submit that there is no sound reason to give the "demarcation line" view of the resolution any more validity than the theory which preceded it for decades. After all, the Committee on Intercollegiate Discussion and Debate sends us all a debate resolution, not a list of case areas. It should be the resolution as a whole on which the debate focuses. A return to this approach would presumably obviate the need for counter-warrants but would have the happy result of clearing out many of the squirrel cases legitimized by the approach of the last few years by forcing the affirmative to debate the entire resolution.

PROPOSITIONS OF VALUE: AN INQUIRY INTO ISSUE ANALYSIS AND THE LOCUS OF PRESUMPTION

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In 1978, I prepared an article for the *Journal of the American Forensic Association* about how to argue value propositions in academic settings.[1] Reactions to that article convinced me that, in spite of the widespread interest by many in providing a stable axiological basis for argument, much yet needs to be done. The call for help has been especially strong from those who are debating value propositions in interscholastic and intercollegiate circles.[2] My purpose here is to respond to this call for help by offering observations concerning issue analysis and the locus of presumption when debating value propositions in academic settings.

I have decided to examine what has traditionally been the backbone of debate theory for centuries, namely, the location of issues and presumptiveness. Four questions will be addressed. First, what constitutes an appropriate proposition for academic value debate? Second, are stock issues essential in analyzing propositions of value? Third, does presumption exist when debating propositions of value and, if so, where does it reside? Fourth, what is the relationship between the rational development of stock issues for a proposition of value and the nature of value presumptiveness?

I. *What Constitutes an Appropriate Proposition for Academic Value Debate?*

Value propositions encompass many fields - aesthetics, politics, economics, metaphysics, religion, etc. But there is one value field that I find highly appropriate for academic argumentation and that is the field of "ethics." Ethical thought starts "from our attempts to figure out what is right or wrong for us to do in a particular situation. Beginning with a problem or moral decision and raising increasingly fundamental questions about proposed answers to this problem, we find ourselves deep in the territory of ethics."[3] This territory, however, is "considerably narrower than the general concept of values."[4] Although questions of ethics and morals are always questions of value, value problems are not exclusively ethical (moral) problems.[5]

A branch of ethical theory is "metaethics," whose primary purpose is "to explicate the distinctive logic of practical discourse to determine how people make reasoned judgments."[6] The aim of metaethics is similar to the aim of academic debate. Thus, inquiry into metaethics can offer value debaters some understanding of what metaethicists call "a logic of values."[7] This is also why I am recommending that suitable propositions for academic value debate are those which cover ethical matter. Here are examples of such propositions:

Resolved: That courage is an admirable trait.
Resolved: That people have an inalienable right to life, liberty, and the pursuit of happiness.
Resolved: That democracy is the best form of government.
Resolved: That abortion is right.
Resolved: That euthanasia is justified.
Resolved: That capital punishment is morally reprehensible.

One of the substantial advantages of using ethical propositions is that the field of ethics already offers us a theory of argumentation about moral questions. For example, a college philosophy textbook by Cornman and Lehrer contains arguments for and against twelve different ethical positions,[8] clearly demonstrating that ethical inquiry is debatable material. What we, as forensic professionals, must do is understand better the territory of ethical reasoning and not fear that it is too esoteric for our students or ourselves to comprehend.

Before I discuss issues in ethical argumentation, a brief overview of the field of ethics will give us a framework for future reference. As noted, the first task of ethical and moral theory "is to explain - make clear the reasons - why certain kinds of acts are right and others wrong."[9] There are essentially four questions "moral" philosphers consider.

The first question is: "What constitutes well-being and human happiness?" One set of answers is found in theology. St. Thomas Aquinas noted that true happiness is embracing the virtues of faith, hope, and love, and putting yourself into a proper relationship with God.[10] It is, of course, natural to look to religion and the will of God for ethical standards. Another set of answers is found in eudemonism, that is, "human well-being consists in the active exercise of one's natural or innate faculties, especially reason."[11] This was Aristotle's position. A final set of answers is found in hedonism, a prominent position debaters often take (e.g., arguments whose impact is in "body counts"). Hedonists believe that happiness consists of life with pleasure and without pain.[12] Two leading hedonistic philosophers are Jeremy Bentham and John Stuart Mill. Their school of thought, utilitarianism, includes the thesis of ethical hedonism as one of its tenets. Although both believe that pleasure is intrinsically desirable and that it ought to be maximized for those parties affected by the action, Bentham believed this could be decided by equal representation within a "community" whereas Mill believed that only "competent" judges should be the ones to have their votes counted on the matter. In any case, "well-being" and "human happiness" is one area moral philosophers ponder.

The second question is: "What is the relationship between human happiness and right conduct?" Probably the most popular respone is found in theology. Bentham and Mill are teleologists insofar as they define right conduct as conduct resulting in human well-being. "Any theory that holds the rightness or wrongness of an action to be determined solely by results is called a teleological theory of moral obligation, or, sometimes, a 'result' theory."[13] In other words, an action is morally right if it maximizes good. Of course, "good" is defined in many different ways by the teleologists. Another school of thought is deontology. Here, right conduct is not measured by situational results, but rather by whether or not it brings about the highest good. The great German philosopher, Immanuel Kant, is perhaps the best known deontologist. To him, the highest good is not only a good in itself, but also a good without qualification. Hence, there are no situations where the highest good makes matters morally worse. Highest goods can be called "moral laws" and they are expressed in terms of imperatives. If the imperative "No Smoking!" had universal application, it could be called a moral law or maxim. "The moral imperative...requires that we should act on a maxim only if our decision to act on it is consistent with our willingness to make the maxim a universal and unconditional law governing the actions of everyone including ourselves."[14] Naturally, deontologists differ as to what moral rule(s) they regard as fundamental. The more rigid deontologists, like Kant, are called *monists* and they believe there are universal moral rules (e.g., "it is right to do what God approves"). The less rigid deontologists, like W.D. Ross, are called *pluralists* and they believe in conditional rules of moral obligation with built-in exceptions (e.g., "promises should be kept *unless* another person would be injured").[15]

The third question is: "What can reason tell us about right conduct and human happiness?" Again we look to the teleologists and deontologists for answers. The former school of thought is that "reason" can help us distinguish right from wrong; the latter school of thought posits that "beliefs about right conduct can be justified by rational insight."[16]

The fourth question is: "What is the individual's moral obligation when value conflict arises?" There are two diametrically opposing theories. "One position, known as *egoism*, is that individuals are psychologically compelled to pursue their own interests as they conceive them."[17] Therefore, when value conflicts arise, people should act to maximize their own well-being or happiness. "The opposite position, called *altruism*, is that individuals ought to promote the interests of others even at the cost of their own well-being."[18]

The above overview is not intended as a complete picture of all the questions moral philosophers ask, nor all the answers given to the four questions presented. There are even some ethicists, called *nihilists*, who believe there are no moral facts, truth, or knowledge and that nothing is ever right or wrong, good or bad.[19] The more moderate nihilists, such as the *skeptics*, hold that "there can be no such thing as a good reason for a moral judgment,...there are no valid moral arguments,...morality has no rational basis, and...the difference between right and wrong is merely a matter of taste, opinion, or convention."[20] Utilitarian or theologian, teleologist or deontologist, egoist or altruist, nihilist or skeptic - it is essential for debaters of moral value propositions to familiarize themselves with these ethical systems. To do so will give them some notion of goals or criteria which are needed in making value judgments.

II. Are Stock Issues Essential in Analyzing Propositions of Value?

I indicated in 1978 that I believed that because stock issues are endemic to their proposition, they provide us with an appropriate structural framework for argument.[21] My position has not changed.

There is considerable support for the development of two stock issues for propositions of value.[22] They are most often called the "definitive issue" and the "designative issue." The first issue poses this question: "Are certain specific definitions or criteria available to justify the judgment claimed in the propositions?"[23] Here, value standard(s) are made explicit. These standards come from the ethical systems noted in the first section of this paper. The second issue poses this question: "Do the beliefs, values, or facts in the proposition conform to the definitions or criteria?"[24] Here, the characteristics of the person, object, event, etc. must fulfill the conditions for the assignment of the value standard(s). In the proposition, "Resolved: That democracy is the best form of government," the definitive stock issue would be" "What constitutes a best form of government?" and the designative stock issue would be "Does democracy meet these criteria (value standards)?"

Before proceeding further, it should be noted that there are some among us who reject the definitive and designative stock issues approach and believe that "since value propositions are intricately woven into policy decisions, comparable issue analysis may be appropriate."[25] In other words, the traditional policy stock issues of ill, blame, cure, and cost can fit value proposition analysis as well. I personally reject this approach and agree with Vasilius when she argues that "value proposition debate cannot rely on piecemeal pilfering from policy debate theory. ... Debaters need to create new paradigms to advance their own argumentative needs."[26] Stock issues for policy propositions tempt debaters to present arguments over the mechanics of plans and counter-plans[27] and away from a clash over values/ethics/morals.[28] The definitive and designative stock issues are more suitable building blocks for value argument.

The definitive issue establishes decision criteria. Wenzel provides us with an example:

> The...statement, "Exercise is good," cannot be supported or justified until we know just what is meant by it. Further discussion might reveal that the speaker means to express some judgment based on a principle of pleasure, arguing that exercise will give pleasure to persons in general. ... Or, the speaker might mean to say that the "goodness" he attributes to exercise is based on its meeting some moral pinciple. Or, finally, he might turn out to mean that exercise satisfies some principle of utility, i.e. it is good for some purpose.[29]

Thus, before the validity of an ethical judgment can be established, the nature of the value employed must be described and defended. "It is impossible to establish a judgment without first determining the aspects of that judgment."[30] The definitive issue accomplishes that purpose.

In addition, the definitive issue enhances accuracy in a debate. Too much of our value argumentation involves "fuzzy edges, like fleecy clouds. ... When we reason or argue ideas that involve loose or vague concepts, we should locate and specify a territory within the loose concept"[31] and this is precisely what the definitive issue accomplishes. When both sides specify what is meant by "good government" in the proposition, "Resolved: That democracy is the best form of government" the values clash becomes clearer. The concept of "good government" is loose; the concept of "protection from over-regulation in the marketplace" is somewhat tighter. It is possible, then, that one of the answers to the definitive stock issue: "What constitutes good government?" would be "protection from over-regulation in the marketplace." If one is not sure whether s/he has chosen a suitable criterion or value standard in answering the definitive issue, it can be put to test in the development of the designative issue. The designative stock issue is designed to satisfy the conditions set up in the definitive issue. Does the topic in question satisfy the criteria or value standard? Does democracy best insure against over-regulation of the marketplace? If good government is defined as protection from over-regulation in the marketplace, then the question here is whether, on balance, democracy best resists over-regulation. The designative issue assumes the adoption of a moral standard and proceeds to assess that standard in a particular situation.

The definitive and designative stock issues are useful guides or starting points for analyzing value propositions. In my opinion, they are essential in teaching value debate to others. Next what do we tell students about another traditional starting point in argumentation, namely, the locus of presumption and its counterpart, burden of proof?

III. Does Presumption Exist When Debating Propositions of Value and, If So, Where Does it Reside?

"In perhaps no area of academic debate is there more confusion than the role of presumption."[32] In value debate, in particular, there seems to be no precise or widely accepted method for locating presumption. In his survey of 28 value debate judges, Norton found that ten of them thought a negative team enjoyed presumption on value questions; ten of them disagreed with that assumption; and eight of them were uncertain.[33] The concept does need clarification because as long as a decision must be awarded to either an affirmative or negative team, the judge must be given a tie breaking tool. Presumption is that tool. (Of course, if there was an option to award a tie in a debate, the problem of presumption would be significantly lessened.) Presumption, then, is a decision-rule for decision-makers[34] which cannot be easily dismissed.

Virtually all of the literature on presumption has been related to policy propositions. Yet, if, as already illustrated, different stock issues inhere in different types of argumentative propositions, then it only makes sense that presumption should fit specific propositional types as well.[35] What, then, are the unsuitable theories of presumption for ethical propositions of value?

One theory comes from courts of law. Presumption rests with innocence until proven guilty. Sproule notes in his outstanding essay on presumption that "legal presumption offers little insight...to situations of 'real world' dispute. ... For example, a presumption assigned by the wording of a proposition in favor of the Supreme Court decision on freer access to abortions would hold little weight from the standpoint of 'pro-life' group members."[36] The burden of proof rests on the accuser, not the accused, when legal presumption is applicable. But who is the accuser and who is the accused when arguing ethical value propositions? Because both sides assume value and counter-value positions, it is most unclear. Therefore, it is best not to use the jurisprudential definition of presumption in ethical value argumentation.

Another unsuitable definition of presumption is that which places it with the status quo or existing institutions prior to the start of the debate. This approach places the burden of proof automatically on the value(s) or ethical system(s) which constitute unpopular opinion. To attempt to decide before a debate begins which side has the more popular or reasonable value system is to create a decision-rule which ignores the positions of the advocates, dismisses the value system of the judge, and assumes that values operate in a fixed and universal hierarchy each time a proposition is being debated. Presumption cannot be reasonably assigned to either team and/or in favor of existing institutions/values/ethics prior to the beginning of a debate.

A third unsuitable concept of presumption flows from the notion of hypothesis-testing. Here, presumption always rests against the specific resolution being argued. Since the hypothesis is the equivalent of the proposition, "the party advancing a proposition of...value automatically assumes the burden of proof."[37] Scott and Wynn defend this concept since it "allows for consistency on the issue of presumption;...this position... helps to clarify which team has what responsibilities."[38] Vasilius defends the model as follows:

> If the affirmative interpretation of the proposition is advanced, it must be supported; any one negative argument could remove that support without simultaneously having to offer an existing, and preferable, value position. The only decision facing the critic is whether or not the value indicated in the proposition is acceptable.[39]

In this argument, she claims to avoid the arbitrariness of "games" presumption. Yet she does not. By assigning presumption against the resolution being argued, Vasilius and others who defend this approach arbitrarily assign the burden of proof to the affirmative and make the negative's task far too easy. All they would have to do is engage in direct refutation! Furthermore, given the problem of wording value propositions so as to reflect presumption, this approach seems artificial and unfair to the defender of the resolution. Why should the focus of the debate be on whether the value(s) contained in the resolution are probably good or bad? Why shouldn't the focus be equally on the value(s) which rest against the resolution?

Where, then, lies presumption? The suitable answer is - presumption rests with prevailing opinion. In other words, in ethical argumentation, presumption can float as a debate round progresses. It can be up for grabs. At the end of a debate, it should go to the team that can best engage in a winning dialogue on prevailing opinion. This view is explained further by Zeuschner and Hill:

> Since values and their society are at issue, the true roots of presumption should exist in the prevailing opinions and predominant values of society.

> ...Consider this point in the context of a value debate. The affirmative may claim psychological presumption, and the negative may counter claim the same presumption. ... The argument is addressed to the audience (the judge in a debate) and it is the audience or judge which affixes presumption.[40]

The difference between this point of view and the ones rejected earlier in the paper is that presumption attaches itself to a judge's acceptance or rejection of argumentative premises after the debate is over rather than attaching itself to the proposition or some mystical status quo before the debate begins.

What then happens to burden of proof? In a value debate, both sides are urging a judge to accept their ethical positions. "One uses these judgments...as presumptively valid, meaning merely that the burden of proof lies with the sceptic."[41] Since both sides in a debate are skeptical of the other side's ethical viewpoints, both sides have the burden of proof "unitl the issue...of psychological presumption...is won."[42] Since both sides initially have a burden of proof, the side that begins the debate should not be given the privilege of giving the final speech in the debate format. More will be said about this placement of burden of proof and presumption later.

For now, let me clarify how prevailing opinion is to be considered by the debaters. In my 1978 article, I indicated that "prevailing opinion" could rest with popular societal belief or a specific judge's belief.[43] However, I did not commit myself at that time to which would be most appropriate for value debate. I am now ready to defend the position that both views are acceptable and must be considered simultaneously. The judge's values will guide him/her in making a decision. Yet, societal positions cannot be ignored because they are a sensible way of illustrating the prevailing nature of public opinion. Therefore, to argue that one's ethical positions are valid, and thereby occupy presumptive ground, the debater should identify and present shared enthyematic premises between the judge's value positions, the debater's value positions, and the demonstration of societal support for these positions. In sum, both sides have the burden of proof before a value debate begins and, as the debate progresses, both sides lay claim on presumption "and the arguments advance to the judge are for the purpose of appropriating presumption."[44]

Not all agree with this view. Here are the arguments against this position and my responses to them. Some opponents claim that there is an unfairness to the debaters by asking a judge to be subjective in making moral decisions. "The criteria the judge personally deemed as most important within that judge's personal hierarchy would be paramount in that judge's mind and thereby would be given the greatest credence or weight."[45] True, but the objection ignores the fact that the truly objective judge - the one with an ethical blank slate who is waiting for debaters to write thereon the most daring ethical positions - simply does not exist. We can attempt to give judges objective guidelines, but we cannot pretend these guidelines are applied in rendering decisions. I find that when a judge's value system comes into play in making decisions, it is adventersome to ask our debaters to make their arguments over presumption a tool of audience analysis.

Another argument against the "prevailing opinion" position on presumption is that because time is limited, "imagine the frustration of the debater who must first argue the issue of presumption before he can get to the actual issue of the debate."[46] This argument sets up a false dichotomy. It ignores the fact that a debate over presumption is interwoven with the actual issues and vital in terms of who wins and loses the debate. The person or team winning presumption is also the person or team who has had their values accepted by the critic-judge. To me, this is time extremely well spent.

A third argument is that it is not possible to determine what is presumptively rational regarding issues of morality. This simply is not so. In any debate over ethical propositions of value, the advocates are trying to develop the stock issues in order to convince a judge what is morally right and what is morally wrong. These judgments regarding moral obligation are equivalent to claims over who has presumption. Some useful advice flows from metaethics regarding the rational development of moral definitive and designative stock issues. Metaethical theories about how people make reasoned judgments fall into two categories - cognitivist ones and noncognitivist ones:

> Cognitivist theories maintain that ethical judgments, whatever else they may or may not be, are statements that can be true or false. They are statements capable of entering directly into logical relations with other statements, so that they can be supported directly by reasons and participate in logical patterns of deductive and inductive argument. And cognitivist theories further maintain that reliable methods of justifying ethical judgments exist, so that we can be said to have knowledge of ethical matters. ... Noncognitivists maintain that ethical judgments ...are not capable of being true or false, not objects of knowledge. Their function is not to make assertions, but to do something else. What this "something else" is has been conceived differently by different noncognitivists.[47]

Cognitivists, believing that ethical arguments can be developed logically, use deductive or inductive methdologies. Deductive reasoning is used "to support an ethical principle by deriving it from a higher ethical principle. One might...justify 'every citizen has an obligation to vote' by appealing to the more general principle 'every citizen has an obligations to do those actions required to make his government effective.'"[48] Inductive reasoning is used when social experiments confirm or disconfirm an ethical theory. With both deduction and induction, traditional logic can be applied to the ethical arguments. The logic of ethics and morals is therefore an analysis of reasoning from an epistemological standpoint. It distinguishes valid from invalid arguments. It provides us with fallacies against which ethical arguments can be checked according to their reasonableness. The test procedures we have used so long in evaluating policy arguments provide at least one standard of reasonableness for the the debate judge to use.

Meanwhile, the Noncognitivists also have something to offer regarding the development of ethical argument. To them, "ethical judgments express emotional attitudes of the speaker and are intended to evoke similar attitudes in others."[49] A judge evaluates the strength of the debater's emotivism in the development of the stock issues. Emotive arguments are not evaluated for their logical validity, but for their persuasive appeals to the emotions. Do they "move" even the most sophisticated and intelligent receiver?[50] If so, they are rational arguments. We already have criteria in the literature on public speaking and persuasion to evaluate noncognitivist approaches to argument and they too can be used to develop stock issues for ethical propositions of value.

Noncongnitivist and cognitivist theories of moral obligation are essentially an attempt in metaethics to discover what "good reasons" can be offered to develop ethical propositions of value: Philosophers who believe there is a logical and/or emotive basis for justifying ethical statements ought to be consulted by value debaters.[51] One particularly useful source in P.H. Nowell-Smith's _Ethics_[52] which explains how "good" can be an objective property, etc., but that there is reasonableness to each of these meanings which can be applied in different contexts. Another welcome reference work on establishing good reasons for propositions of value is Paul Taylor's _Normative Discourse_[53] Taylor is concerned with what it means to evaluate something and how such evaluation can be justified by using rules of reasoning. In addition, the works of Baier[54] and Toulmin[55] further eplicate informal normative reasoning. All of these works offer suggestions regarding the development of value arguments and lay out ground rules which can be used to develop and evaluate reasons for or against moral contentions. Once consulted, debaters ought to find what Sproule did when he concluded: "Values may be tested for their validity. ... These validity tests bear a great similarity to...tests of ethics. ... Truly, in assessing the validity of evaluations, the critic makes ethics-related decisions."[56] Thus, it is possible to determine what is presumptively rational regarding moral argument.

IV. What is the Relationship Between the the Rational Development of Stock Issues for a Proposition of Value and the Nature of Value Presumptiveness?

Let us begin this final section by zeroing in on the development of the definitive and designatives more closely. As the debater is selecting ethical standards (values) to be developed in the definitive issue, s/he must recognize that the standards or criteria selected may not be held in the same place on a value hierarchy as that of the judge. Rieke and Sillars explain:

> Some relatively identificable value systems function in general argumentation within our society. We also know that audiences differ with time and circumstance. Thus, even with a limited number of available value systems, different hierarchies will emerge in different situations.[57]

Thus, it is the debater's job to discover preferable values from the debater's own personal ethical standards, standards the debater anticipates are held by the judge,[58] standards held high in terms of prevailing public opinion,[59] and/or standards held in esteem by experts in the area under discussion,[60] and then try to convince a judge to place them high on his/her ethical system in this particular debate context. This means that if the affirmative confirms the judge's ethical position higher in the hierarchy than the negative can, the affirmative can assume to have the presumptive edge on the definitive issue over the negative. Sproule provides us with the following example: "When we choose one value (e.g., "safety") over another value (e.g., "freedom"), we are saying that in a particular situation safety is the ultimate or highest term. It takes precedence over freedom and over all other values which might apply."[61] "Inasmuch as...values are continuously in a state of flux relative to any fixed scale,"[62] the debater should not assume overwhelming acceptance of any moral position chosen. It needs to be developed for the judge.

To develop a defense of the value positions selected for the definitive issue, the debater is showing to the judge that the criteria employed are appropriate ones. The debater is therefore developing "good reasons." From an analytical standpoint, two aspects of each good reason must be validated. First, it must be demonstrated that the moral stadard is relevant, that is, "its range or scope of application must include the class of comparisons of the given value judgment. As a result of this step, the evaluatum is established to belong to a class of things that are correctly judged by the criterion."[63] Second, it must be demonstrated that the moral standard does not conflict with other criterion, of if there is a conflict, the criterion that is being applied takes precedence over those in conflict with it."[64] The first step in definitive stock issue analysis shows that the moral criteria make sense; the second step in definitive stock issue analysis shows that the advocate has indeed relied on the most preferable value(s). Both analytical positions are, of course, open to investigation and evaluation by the opposing side. For example, using the proposition that "abortion is right," the proponent may choose the ethical value of "happiness" and would have to show it is relevant to the word "right." The proponent would also have to demonstrate that happiness is ethically superior to competing values in this situation (e.g., the preservation of human life). Thus, the proponent's argument assigns values from an ethical system in which happiness is important; the opponents argument might move from a moral system based on the importance of individual life. As the debate progresses over this definitive issue, both sides are trying to demonstrate ethical superiority and, in turn, gain ethical presumption. No mention is made of abortion per se.

Next, we turn to the parallel development of "good reasons" for the acceptance of the designative stock issue. Here is where the abortion issue is applied to the chosen values. The proponent has now defined "right" as "happiness." So, how does abortion bring out "happiness?" Through empirical evidence and the words of authorities, the debater is able to show that, on the whole, marriage relationships do improve when abortions are allowed as opposed to when they are disallowed. This kind of information is quite valuable to the defender of the resolution and s/he would want to use it to develop a presumptive stance on his/her designative argument. If we diagram the development of both the definitve and designative stock issues as described above, we should get an analytical structure for the affirmative such as this:

Proposition: Abortion is right.
Definitive Issue: What constitutes "right?"
A Potential Ethical Argument: "Right" equals "happiness" and "happiness" is ethically superior to competing values.
Designative Issue: Is abortion right?
A Potential Ethical Argument: "Abortion is right because marriage partners become happier."

What does the negative do to develop its positions on the stock issues? Essentially the same as the affirmative; the negative builds a counter-case with burdens which "fall basically into two major areas: the criteria established by the affirmative, and the issues set forth by the affirmative relative to those criteria."[65] Let me illustrate how this is done with an ethical proposition. Suppose an affirmative chooses to defend the ethic of utilitarianism and tries to show that it is superior to all other ethical positions on a given topic. The negative might, in the definitive issue, urge either that the utilitarian ethic is not relevant insofar as it is not satisfied by adopting the resolve. Or the negative team could argue that utilitarianism should not be a preeminent ethic. They could use both approaches too. An additional negative strategy might be that the utilitarian ethic denies the Kantian imperative of justice which is, after all, ethically superior to the ethic of utilitarianism. By arguing in this fashion, the negative debaters have established an ethical hierarchy for the judge to resolve (utilitarianism lies below Kant's deontological injustice). This is how the definitive issue ought to be developed; it is a stock issue focusing on the ethical superiority and presumption of the ethical positions chosen by the debaters in the round. The logic goes as follows: "The ethical positions I am arguing are...; the ethical superiority of those positions is...; therefore, grant presumption to my/our side in the debate." After the definitive issue has been refuted, the negative moves on to the designative issue in the same fashion.

Now you might ask as a debater: "But how do I evidence ethical presumption?" Good question. This statement by Fischer provides us with some general guidance:

> From the perspective of informal logic, ... value judgments fall into a middle ground. They can neither be dismissed as emotionally based responses nor be formally proved by scientific analysis. Value judgments are worked out and tested by the informal procedural rules that constitute and define practical discourse. In some cases, where the judgment is heavily dependent on facts, it is possible to establish validity with a high degree of objectivity. In other cases, where such objectivity is more difficult, it is at least possible to sort out arguments that are more generalizable than others and to identify those that remain hopelessly particular. ... If decision makers agree to employ...procedural rules of practical deliberation, they can validate...value judgments on the basis of relevant facts and norms.[66]

There are essentially three forms of support for "good reasons." The first is through the use of facts. In arguments over capital punishment, the "fact" as to whether or not it deters crime can be used as supporting material by both sides. The second is through authoritative opinions. For instance, court decisions and legislative histories can be examined. Here are where the mores of our society are codified and justified in print. For example, what are the ethical positions underlying decisions and dissents on issues of abortion and capital punishment? The third is through the use of reasoning. The validity of examples, analogies, signs, casual statements, and definition can all be applied. Faced with situations where factual evidence cannot always serve as supporting material, "the debater may be forced to attend more closely to the formal relationships among arguments, ... that is, to the logical factors entering into the debate."[67] Of course, there is no harm to adding some emotional appeal to the discourse as well, but it should be blended in with facts, opinions, and reasoning used to develop the ethical arguments.

Throughout the debate, the affirmative and negative are in a tug-of-war over who has presumption. In aiming to capture presumption, both sides should realize that what they are doing is basically attempting to demonstrate the universalizability of the values (ethical standards) they have chosen. According to Toulmin it is possible to draft general, field dependent rules of ethical inference.[68] These rules may not be as powerful as the rules regarding the validity of deductive argument mainly because moral argument is more nonformal. But universal rules can be devised (e.g., pleasantness is relevant to goodness).

Now, in order for a rule to really be a rule, it must be universalizable. Ethical statements that cannot be universalized within the field of ethics or, at the very least within the universe of the topic, generally cannot be accepted as moral rules. In developing "good reasons," then, it is no doubt a good idea for the values debater to attempt to make his ethical positions exceptionless applying them to all cases at all times. This can be done by tightening up the ethical positions and presenting them as universal systems. For instance, instead of saying: "Abortion is sinful," the advocate may want to claim that: "Abortion is always sinful unless the woman has become pregnant as a victim of incest or rape." It would be much easier to defend the universalizability of the latter statement than the former one. In other words, if the ethical statement is sufficiently complex and carefully constructed, it can be made universalizable and, hence, morally presumptive. This is the position offered by Ross and the pluralists discussed in the first section of this essay.

When an opponent attempts to refute an argument claimed to be universalizable and presumptive, s/he may do so by attempting to locate exceptions to this rule and/or by formulating subsidiary rules stating that the conditions outlined in the opposition's rule do not apply, thereby making presumption inoperative. If this opponent's argument is strong enough, it is even possible that the circumstances surrounding the subsidiary rule may become general enough so that the subsidiary rule takes precedence and presumption is awarded to the latter position even though that position is not proven to be a universal one. In sum, a debate over ethics is a struggle over the universalizability of the value positions taken by both sides.

One caveat: I am not taking the position here that debaters must make the universalizability of their ethical positions a necessary condition for presumptiveness in the round. I am saying that universalizability can be considered sufficient for accepting the debated position as a presumptive moral rule.[69] How wise the ethical universe should be must remain for the debaters and the judge to work out in each round.

Finally, let us consider what has been said from the standpoint of the debate judge. Before the round begins, the judge must realize that the burden of proof rests with both sides in the debate. "It is a mistake to place the burden of proof on acceptance on rejection, or doubt to the exclusion of the others; none of these is inherently more justified than the other two. All three can be challenged; therefore all stand equally in need of justification. The trust seems to be that some burden of proof lies with anyone who makes a claim to rationality."[70]

As the debate unfolds, the judge should be hearing arguments over the definitive and designative issues.[71] The overriding viewpoint for the judge should be on who is doing the best job of winning presumptiveness. Of course, if one side convinces the judge that a certain contention is a universal moral rule, then it is presumed that that side wins the presumptiveness of the argument. It is possible, of course, for a team to win presumptiveness for some of its arguments and the other team to win presumptiveness for some of theirs. In those cases, the judge must make an on-balance decision of where the greatest amount of presumptiveness rests. (This is why I earlier suggested it may be necessary to create a ballot for value debate where the decision is affirmative, negative, or no one because neither side attains enough presumptiveness in the round. Both sides still hold a burden of proof when the debate ends.)

As judges, we bring a mixture of ethical positions into the rounds we evaluate. Sometimes we are ethical relativists and say that something might be good for some, but not all. Other times we are nihilists and claim that nothing is either right or wrong. Maybe we are skeptics by saying we cannot tell right from wrong. Or, we are egoists when we say something is right only because we say it is right. Scratch each judge and you will find a melange of ethical positions, each competing for dominance in various settings and situations. The judge's task is to see which ethical position(s) have been selected, clarified, and proven, through evidence and reasoning, so as to confirm on the winning team the locus of presumption.

Sproule offers three useful validity tests for making ethics-related decisions.[72] First, the value chosen must be recognized as good values by people generally. Second, the debaters must give sufficient information and reasoning for choosing one value over another. Third, the value must be carefully applied to the situation expressed by the proposition. "The results of these three tests, when used in conjunction with the definition of rhetorical validity, enable the critic to make an informed judgment about value validity."[73]

The judge uses these validity tests when examining the argumentation used to develop both the definitive and designative stock issues. First, the judge must create a decision rule regarding the definitive issue. "That is, the judge must adjudicate between competing views. ... For instance, one might argue: ... is life or liberty more conducive to happiness? ... Each advocate...will urge a decision rule. The judge must decide which decision rule makes more sense, on the basis of arguments offered for it."[74] Here, the judge must "rank the values...in terms of each value criterion. This is a notoriously difficult thing to describe, but as an activity, it is really quite commonplace. ... To get a ranking, ...one can only submit the options to use his reflections and wait for them to fall into some order of preference."[75] For example, if a moral judgment is good for "A" but bad for "B," but "B" has been proven presumptively a more important ethic than "A," then "B" outweighs "A." This is substantially different than attempting to grant presumption to the side or system of ethics believed in most strongly by the judge or even by the framers of the resolution before the debate begins.

Having done so, the judge then examines argumentation pertaining to the designative stock issue. If "maximization of happiness" is the decision rule adopted as gaining presumption for the definitive issue, "then he must proceed to adjudicate the question, 'Which value has been shown to maximize happiness?' It should go without saying, of course, that the judge determines neither the decision rule not its application on the basis of whim or personal prejudice, but on the basis of the arguments which are presented to him."[76] This procedure for judging will accomplish what Hardwig desired in his essay on moral rationality. He wrote: "The enterprise calls for a procedure which will discriminate between values, which will adjudicate the relative worthiness or worthlessness of values. Some values...possess better credentials than others, and the less well founded values can be rejected because of their incompatibility...with the more worthy commitments."[77]

V. Parting Thoughts

Four questions have been addressed in this essay. Generally, I have concluded that appropriate propositions for academic value debate are those which flow from ethical inquiry; that stock issues are essential in analyzing ethical propositions of value; that presumption rests with the judge when debating ethical propositions of value; and, finally, that there is a logic of good reasons which can be used to develop and evaluate arguments in a value debate where both sides are trying to claim presumption and win.

I hope I have been convincing in this essay on the claim that value debate is a debate over who can assume presumptive ground. "Both sides should actively compete in seeking to win the presumption."[78] If so, then I also hope debaters will experiment with ways to argue value propositions which have been suggested here. If ethical argumentation, stock issue analysis, and the locus of presumption enter value debate as I hope they will, I think we can make progress in the way we argue value propositions in academic debate.

Footnotes

[1] Ronald J. Matlon, "Debating Proposition of Value," Journal of the American Forensic Association, XIV (Spring, 1978), 194-204.

[2] High school students debate propositions of value in their Lincoln-Douglas format; college and university students debate propositions of value in the CEDA (Cross Examination Debate Association) format.

[3] Monroe C. Beardsley and Elizabeth Lane Beardsley, Philosophical Thinking: An Introduction (New York: Harcourt, Brace, 1965), p. 485.

[4] Milton Rokeach, The Nature of Human Values (New York: The Free Press, 1973), p. 8.

[5] W.H. Werkmeister, Man and His Values (Lincoln: University of Nebraska Press, 1967), p. 145.

[6] Frank Fischer, Politics, Values, and Public Policy: The Problem of Methodology (Boulder: Westview Press, 1980), p. 88.

[7] There are limitations to metaethical theories as well. For a discussion, see Joseph W. Wenzel, "Toward a Rationale for Value-Centered Argument," Journal of the American Forensic Association, 13 (Winter, 1977), 153.

[8] James W. Cornman and Keith Lehrer, Philosophical Problems and Arguments: An Introduction (New York: Macmillan, 1968).

[9] Marcus George Singer, Generalization in Ethics (New York: Alfred A. Knopf. 1961), p. 8.

[10] Robert G. Olsen, A Short Introduction to Philosophy (New York: Harcourt, Brace, 1967), p. 7.

[11] Ibid., p. 8.

[12] Ibid.

[13] Beardsley and Beardsley, op. cit., p. 491.

[14] Cornman and Lehrer, op. cit., p. 416. For a fuller discussion, see Immanuel Kant, Foundations of the Metaphysics of Morals (New York: Liberal Arts Press, 1959), Section I.

[15] Beardsley and Beardsley, op. cit., pp. 496-501. Also, see W.D. Ross, Foundations of Ethics (Oxford: Clarendon Press, 1939) and W.D. Ross, The Right and the Good (Oxford: Clarendon Press, 1930).

[16] Olson, *op. cit.*, p. 8.

[17] *Ibid.*

[18] *Ibid.*

[19] Gilbert Harman, *The Nature of Morality: An Introduction to Ethics* (New York: Oxford University Press, 1977), p. 11.

[20] Singer, *op. cit.*, pp. 6-7.

[21] Matlon, *op. cit.*, 201.

[22] One of the first known references to these issues appears in Russell H. Wagner, *Handbook of Argumentation* (New York: Nelson & Sons, 1936), p. 22. The following current argumentation textbooks are examples of endorsements for the definitive and designative stock issues approach. See Douglas Ehninger and Wayne Brockriede, *Decision by Debate* (New York: Harper and Row, 1978), pp. 159-160; Maridell Fryar and David A. Thomas, *Student Congress and Lincoln-Douglas Debate* (Skokie: National Textbook Company, 1980), p. 21; Richard D. Rieke and Malcolm D. Sillars, *Argumentation and the Decision Making Process* (New York: John Wiley and Sons, 1975), p. 61; Russel R. Windes and Arthur Hastings, *Argumentation and Advocacy* (New York: Random House), p. 167; and George W. Ziegelmueller and Charles A. Dause, *Argumentation: Inquiry and Advocacy* (Englewood Cliffs: Prentice-Hall, 1975), p. 169. See also Jan Vasilius, "Value Proposition Debate: A Pragmatic Approach," presented at the Wyotana Graduate Communication Conference (Missoula, Montana: June, 1977), 4.

[23] Austin J. Freeley, *Argumentation and Debate: Rational Decision Making* (Belmont, California: Wadsworth, 1981), p. 51.

[24] *Ibid.*

[25] Don Brownlee, "Advocacy and Values," *Perspectiveness on Non Policy Argument* (CEDA: 1980), 44.

[26] Jan Vasilius, "Presumption, Presumption, Wherefore Art Thou Presumption," presented at the Desert Argumentation Symposium (Tucson, Arizona: March, 1980), 8.

[27] "Many value debate judges have resorted to pseudo-policy criteria for judging value topic debates. ... Significance becomes an area called the affirmative 'justification' of the value. Instead of disadvantages, solvency and workability arguments, the negative side issues are called 'value objections.'" Raymond Zeuschner and Charlene Arnold Hill, "Psychological Presumption: Its Place in Value Topic Debate," *Contributions on the Philosophy and Practice of CEDA* (CEDA: 1981), 21.

[28] The National Forensic League has arbitraily ruled that stock issues for policy debate will not apply to the Lincoln-Douglas format!

[29] Wenzel, *op. cit.*, 155.

[30] Ziegelmueller and Dause, *op. cit.*, p. 43.

[31] Jack D. Ray, "The Logical Analysis of Disagreement," an unpublished and undated paper, 8.

[32] Vasilius, "Presumption, Presumption...," *op. cit.*, 2.

[33] Robert K. Norton, "Empirical Evidence on the Judging Criteria in Use in the Cross Examination Debate Association," *Forensic* (Spring, 1981), 13.

[34] Michael Bartanen, "Persistence and Change: Paul Watzlawick's Influence on Presumption in Public Debate," presented at the Speech Communication Association convention (New York: November, 1980), 10.

[35] For a concurring discussion of this point, see Carole Blair, "Whately on Presumption: A Pragmatic Interpretation," presented at the Speech Communication Association convention (New York: November, 1980), 10.

[36] J. Michael Sproule, "The Psychological Burden of Proof: On the Evolutionary Development of Ricard Whately's Theory of Presumption," *Communication Monographs*, 43 (June, 1976), 127.

[37] Gary Cronkhite, "The Locus of Presumption," *Central States Speech Journal*, 17 (November, 1966), 275.

[38] Randolph J. Scott and Tony Wynn, "Avoidance of the False Claim: Some Considerations for Debating and Judging Propositions of Value," *Contributions on the Philosophy and Practice of CEDA* (CEDA: 1981), 26.

[39] Vasilius, "Presumption, Presumption,..." *op. cit.*, 4.

[40] Zeuschner and Hill, *op. cit.*, 22-23.

[41] Lawrence C. Becker, *On Justifying Moral Judgments* (New York: Humanties Press, 1973), p. 65.

[42] Zeuschner and Hill, *op. cit.*, 22-23.

[43] Matlon, *op. cit.*, 199-200.

[44] Maridell Fryar and David A. Thomas, *Basic Debate* (Skokie: National Textbook Company, 1979), p.33.

[45] Zeuschner and Hill, *op. cit.*, 21.

[46] Beverly Merrill Kelley, "An Alternative to NDT Debate," presented at the Western States Communication Association convention (San Jose: February, 1981), 10.

[47] Beardsley and Beardsley, *op. cit.*, pp. 523, 528.

[48] Carl Wellman, *Challenge and Response: Justification in Ethics* (Carbondale: Southern Illinois University Press, 1971), p. 30.

[49] Beardsley and Beardsley, *op. cit.*, p. 530.

[50] This kind of argument is described in Stephen Toulmin, *The Place of Reason in Ethics* (Cambridge: Cambridge University Press, 1950), pp. 199-200.

[51] For a summary of the logical positions of Hare, Montefiore, Edwards, Baier, Nowell-Smith, and Taylor, see Bruce Gronbeck, "From 'Is' to 'Ought': Alternative Strategies," Central States Speech Journal, 19 (Spring, 1968), 31-39.

[52] P.H. Nowell-Smith, Ethics (Baltimore: Penguin Books, 1954).

[53] Paul W. Taylor, Normative Discourse (Englewood Cliffs: Prentice-Hall, 1961).

[54] Kurt Baier, The Moral Point of View: A Rational Basis of Ethics (New York: Random House, 1965).

[55] Toulmin, op. cit.

[56] J. Michael Sproule, Argument: Language and Its Influence (New York: McGraw-Hill, 1980), p. 207.

[57] Rieke and Sillars, op. cit., p. 56.

[58] Obviously, to know something about the judge in the back of the room is important. Some useful information can be gleaned by knowing how a judge has looked at a similar ethical stance in previous rounds, what religious beliefs that judge has, to what groups and organizations the judge belongs, what sources of information the judge believes are particularly competent, etc.

[59] The debater should choose criteria which would probably be selected by popular sentiment, considering especially how extensively they are adhered to by the population at large, how long they have been adhered to by the population at large, and how intensively they are valued by the population at large.

[60] James H. McBurney and Glen E. Mills, Argumentation and Debate: Techniques of a Free Society (New York: Macmillan, 1964), pp. 47-48.

[61] Sproule, Argument: ..., op. cit., p. 185.

[62] Evelyn Shirk, The Ethical Dimension: An Approach to the Philosophy of Values and Valuing (New York: Appleton-Century-Crofts, 1965), p. 15.

[63] Fischer, op. cit., p. 124.

[64] Ibid., p. 125.

[65] Fryar and Thomas, Student Congress ..., op. cit., p. 27.

[66] Fischer, op. cit., p. 99.

[67] Gerald R. Miller, "Questions of Fact and Value: Another Look," Southern Speech Journal, 28 (Winter, 1962), 121.

[68] Stephen Toulmin, Human Understanding (Princeton: Princeton University Press, 1972), p. 406.

[69] Universally recognizable principles may exist. A number of hypotheses for investigation can be found in Arnold Brecht, Political Theory: The Foundations of Twentieth Century Political Thought (Princeton: Princeton University Press, 1959).

[70] Wellman, op. cit., p. 141.

[71] The first affirmative and first negative constructive speakers might deal with the definitive stock issue; the second affirmative and second negative constructive speakers might deal with the designative stock issue.

[72] Sproule, Argument: ..., op. cit., p. 307.

[73] Ibid.

[74] David Zarefsky, "Criteria for Evaluating Non-Policy Argument," presented at the Western Speech Communication Association convention (San Francisco: November, 1976), 5.

[75] Becker, op. cit., p. 80.

[76] Zarefsky, op. cit., 5.

[77] John Hardwig, "The Achievement of Moral Rationality," Philosophy and Rhetoric, 6 (Summer, 1973), 175.

[78] Sproule, "The Psychological Burden...," op. cit., 115.

VALUE RESOLUTIONS, PRESUMPTION, AND STOCK ISSUES

David A. Thomas and Maridell Fryar

In this paper, we intend to explore three topics: what we mean when we speak of debating about "value resolutions"; what we mean when we speak of the concept of "presumption" in a debate centering on a "value resolution"; and, finally, what we are looking for when we seek to identify a set of "stock issues" by which debaters might analyze and prove (or disprove) a case for a "value resolution." The focus of this paper is on theoretical topics pertaining to "value resolutions", and not on technical matters relating to debate formats, speaker duties, etc. As an exploratory essay, the aim is to provide general insights rather than final solutions or prescriptions for the future.

WHAT IS A VALUE RESOLUTION?

To begin with a basic distinction, there is a difference between a value and a value resolution. Yet to overlook this distinction is to generate confusion. A resolution is a proposition which in turn is a statement for consideration of whether it is true or false. A proposition placed before a judge, a legislative body, or other third party to be resolved is a resolution. A value resolution is one which has some sort of value statement as the subject matter of the proposition. Without recognizing this distinction one runs the risk of injecting the personal values held by the debaters and the judge or other audience into the discussion of the statement serving as the subject matter of a debate. For various reasons, this happens to a certain degree anyway, but it is almost a requirement when debating one's "values" instead of debating a "value resolution".

Most definitions of "value resolution" found in our professional literature focus on it as one of three categories of propositions: fact, value, and policy. For pedagogical reasons, these three categories are represented as more or less exclusive of each other. Moreover, of these three categories, the value category is most ambiguously described. A proposition of fact is defined as an objective, verifiable statement about a thing; a proposition of policy is defined as a statement that the present system should be changed; and a proposition of value is just about anything that isn't one of the others--a subjective, unverifiable, non-factual statement about something that doesn't call for any action. As with most analytical breakdowns of an abstract concept, this type of classification ignores numerous exceptional and/or overlapping instances.

Again, most definitions of "value resolution" found in our own professional literature mention "quality", such as Matlon's definition which we take to be representative: Matlon defines a proposition of value as ". . .a qualitative judgment about a person, object, act, situation, program, institution, concept, or idea." (Footnote 1)

The term "quality" is vague. At this point it would be useful to consult other authorities for further help. Rokeach offers the following definitions of value and value system: "A value is an enduring belief that a specific mode of conduct or end-state of existence is personally or socially preferable to an opposite or converse mode of conduct or end-state of existence. A value system is an enduring organization of beliefs concerning preferable modes of conduct or end-states of existence along a continuum of relative importance." (FN 2)

In Rokeach's theory, a "mode of conduct" is an instrument or vehicle to the achievement of some end, hence is an "instrumental" value; an "end-state of existence" is a goal considered to be of value in its own right, hence is a "terminal" value. Other sources call the concepts of instrumental and terminal values by the labels, "intrinsic" and "extrinsic." According to Anthony Flew, "The other traditional problem of value concerns the relation of those things supposed to have an extrinsic value and those of intrinsic worth. X has extrinsic value if it is a means to, or in some way contributes to, Y. Y has intrinsic value if it is good, worth pursuing in itself, without reference to some other entity. Thus exercise is good as a means to health (has extrinsic value), whereas health is good in itself (intrinsic). Obviously it is easier to show that a thing has extrinsic value since that it is a means to a given end is empirically verifiable. However X cannot be good, even extrinsically, unless Y to which it leads is good in an absolute sense. Hence any theory of value must propose some things that are good in themselves or at least a method for assessing the claims of any candidate."(FN 3)

Another important distinction to be made about the "quality" of a person, act, idea, etc., is whether it resides within the object, or instead simply in the mind of the person making the value judgment: Milton Rokeach wrote, "The value concept has been employed in two distinctively different ways in human discourse. We will often say that a person 'has a value' but also that an object 'has value'." Of these two meanings, "It seems, therefore, that there are compelling theoretical reasons for assuming that the study of a person's values is likely to be much more useful for social analysis than the study of the values that objects are said to have."(FN 4)

If we accept Rokeach's conclusion that values reside within a person's mind, we find that to be consistent with the views of philosopher Clive Beck: "For, clearly, expressions of emotion, imperatives, acts of persuasion, decisions, recommendations, and exhortations cannot be fact-stating or true or false. They may be appropriate or inappropriate, successful or unsuccessful, justified or unjustified. But, since they do not state that something is the case, they are simply not of the class of phenomena which can (logically) be objective, in the sense in question." (FN 5)

If we recap what we have covered thus far, we should highlight these characteristics of a value resolution: it is (i) a proposition (ii) about the quality of something (iii) in which a person states a preference for a terminal or intrinsic end, or (iv) a preference for an instrumental or extrinsic mode of behavior by which to achieve one. These quality characteristics or personal preferences may be thought of as (v) residing within an object itself, or (vi) as residing within the mind of the person doing the evaluating. Either way, (vii) speech acts which function as value statements include expressions of emotion; imperatives; acts of persuasion; decisions--meaning moral stances prefaced with "I ought to--"; recommendations--meaning moral stances prefaced with "YOU ought to--"; and exhortations.

But what of the content of a value resolution? What is the "something" to which a person attaches a preference? Literally, it could be anything, anything at all. People can, and do, make value statements related to animal, vegetable, and mineral; sacred and profane; past, present, and future. Anything people can think or imagine, people can judge and evaluate as being of some favorable or unfavorable quality. Although much of the content or subject matter implied by the potential breadth of topics might seem trivial, to the person making the value judgment, any given object could be highly salient. On an intellectual level, one might believe reptiles to be fascinating creatures; and one might gain much insight from reading Carl Sagan's *The Dragons of Eden*. That same person might be no less intense in declaring, "I hate snakes!" from a deeply-rooted phobia brought about by some fearful childhood experience. Hence, on an objective level, such a person might accept a statement to the effect that "We can learn a lot about the evolution of man's intelligence from a study of reptiles," and even provide some excellent data to support that statement rationally; yet on the subjective level, no rational arguments will serve to reduce the unfavorable evaluation--the dread, fear, and disgust--directed towards snakes.

That principle is important for understanding value resolutions. We recognize that the vast majority of value statements--as conceived here--are not debated or even probably not debatable. When a person says, "I hate snakes!", it is very unlikely that anyone will take issue with the statement. A typical response might be, "Me too!", or "Oh, I like snakes--in fact, I have a pet boa constrictor in my living room." But it is not likely that anyone would respond, as in a debate, "No, you don't hate snakes, and I'll give you three lines of analysis to refute you." This same principle operates in policy resolutions as well. The total universe of policy statements includes many propositions which clearly belong to the category called propositions of policy, but which are neither debated nor are even considered debatable. Consider the traffic laws, the rules for the conduct of guests in the Rustler Lodge, the agenda set for the various programs being presented here--all of these examples represent policies which we recognize, abide by (or violate), but do not debate.

Yet we do debate value resolutions, just as we debate policy resolutions. The resolutions we debate are drawn from a limited subset of the larger universe of possible statements within the categories of value or policy (or fact, for that matter--some factual propositions are routinely disputed and argued, including charges of guilt or innocence in a court of law). Within the value category, we also limit what we consider debatable to a small subset of statements. We eliminate entirely all value statements which express a single individual's value judgment in the forms described by Clive Beck--expressions of emotion, personal resolves to do moral deeds, etc.

Typically, what we debate in the way of value resolutions is limited to social or corporate concerns; and the content or substance of the value resolutions falls within certain limited subject matter areas. Joseph Wenzel has provided a good summary of the types of subjects that come up in typical value controversies: Wenzel recognizes only three classes of "consequential statements," and suggests characteristic realms of discourse and relevant lines of argument for each. (FN 6) They are:

1. Appreciative judgment;
Discussed in AESTHETICS;
Argued by choosing criteria and applying the criteria to the object.

2. Moral judgment;
Discussed in ETHICS;
Argued by application of a moral rule (or)

weighing consequences of acts (or)
weighing consequences of rules.

3. Instrumental judgment:
Discussed in POLITICS;
Argued by justification of ends (and)
establishing efficacy of means.

Within these classes of subject matter may be found numerous value statements which lend themselves to argument and submission to third party resolution. A typical moral statement often debated is resolved: that (capital punishment, abortion, homosexuality, etc.) is morally wrong.

A typical aesthetic statement which could be debated is resolved: that Huck Finn is the greatest hero in American literature.

A typical instrumental (political) statement calling forth value issues is resolved: that national security must be a nation's highest priority.

Value resolutions may be phrased in several different ways. It could be a straightforward assertion identifying an object as possessing a certain quality. It could be a statement asserting a superlative degree of a quality (X is the greatest ---). It could assert a comparison or hierarchy of competing values. There are doubtless other syntactical formulas by which a value resolution might be phrased for the purpose of debate. These topics need not be expanded in this paper; we have treated them at greater length elsewhere.(FN 7)

WHERE IS PRESUMPTION IN VALUE RESOLUTIONS?

The concept of presumption is difficult to apply to value resolutions, but our understanding of it is complicated by traditional, taken-for-granted theories ingrained in debaters and debate texts over the years. Our position is that it is probably a mistake to assign presumption to either side in a value resolution. Before discussing this idea, it might be useful to examine the concept of presumption in policy resolutions, because it is probably an error to assign presumption arbitrarily to the negative side (or against the resolution) there, too.

Traditional theories of presumption have relied in large part upon two sources: textbook interpretations of Whately's formulation, and the analogy with the legal presumption of innocence for an accused person.

A recent explication of Whately's treatment of presumption by Michael Sproule makes it plain that traditional textbook interpretations have been incomplete at best. Between the first edition of *The Elements of Rhetoric* in 1830 and the final edition in 1846, Whately made seven revisions. The revisions were in the nature of simple added text here and there, without changing or amending the preceding materials. The third edition of 1832 contains the first mention of Whately's theory of presumption, and it is this part of the work that is now so familiar. However, in the fifth edition in 1836, and the seventh edition in 1846, Whately made some significant additions to his theory. These additions included the following: in 1836, Whately said that (1) the perception of presumption may vary according to audience membership, and (2) the 'legal' or logically-objective assignment of presumption may be overturned by a psychological presumption attending to things novel. The effect of these additions was to ground presumption in sociological (group membership) and psychological factors in the audience, independent of any logical placement of the burden of proof. (FN 8) In 1846, in the seventh edition, Whately developed the concept of deference. According to Sproule, "Whately defines deference to be an 'habitual Presumption' in favor of the opinions of a particular 'person, Body, or book'....Basic to Whately's treatment of deference was the notion that it resided 'in the mind' of the hearer and that hearers could even be consciously 'unaware' of the deference they accorded to favorite objects."(FN 9)

Sproule saw the evolutionary development of Whately's thoughts on presumption as a "shift from a chiefly legal to an essentially psychological theory of presumption by observing the different answers supplied in the 1830 and 1846 editions of the *Elements* with respect to these two questions: (1) what agency assigns presumption? and (2) is presumption monolithic or polylithic? In the original formulation of 1830, presumption was assigned when advocates perceived and then communicated their claims to an audience....By 1846, Whately had expanded upon the elements of his original theory. The ultimate agency became, necessarily, the audience whose recognition of a presumption was required for its successful application to a dispute. Further, presumption itself was fragmented such that several elements of controversy might cause sides to benefit from presumptions or suffer from burdens. Presumptions and burdens might obtain in view of audience preference for (1) particular interpretations or arguments, and (2) particular sources of information to which the audience accorded deference:

persons, books, or corporate bodies."(FN 10)

It would seem that, as with Heidegger, there is an early Whately and a later Whately. Our texts, and our subsequent practices, derive from early Whately. In accord with that formulation, we follow the rule of giving the advantage to one side (the negative), and impose a logical rule that the burden of proof falls on those who (1) propose alterations in existing institutions, (2) make accusations in court, and (3) maintain an opinion contrary to the prevailing one.

If, however, we were to read Whately in his entirety, our theories of presumption would be audience-oriented. Among the implications of this reformulated interpretation of presumption, Sproule suggested that "...advocates should use presumption as a tool of audience analysis. the arguer is advised to ask such questions as: (1) to what groups do members of the audience belong? (2) to what sources of information (persons, books, groups) do audience members accord deference? (3) what is the popular and unpopular opinion on a particular subject? (4) what information on a subject might hold the advantage of novelty? Such queries would assist the advocate in selecting arguments and evidence best fitted to persuading persons on a given subject....Thus, an arguer would be wise to use, as evidence, sources of information perceived as credible (i. e., granted deference) by the audience. Advocates would find it advantageous, presumably, to remind audience members of the opinions of groups to which the listeners belonged. Whately would advise that disputants use opinions and ideas favorably held by the audience, use information likely to be perceived as novel, identify ideas as being held by sources favored by the audience, and, finally, remind the audience of the competence of quoted sources with regard to the subject at hand." (FN 11)

What about the legal presumption of innocent until proved guilty? In policy debate, the analogy is that the present policy is accused of creating a need which can only be alleviated by the resolution, and like an accused defendant, the present system is worthy of a presumption of innocence until a *prima facie* case is adduced against it. It is one thing to presume that the legal system is required to follow its own rules of procedures in conducting a trial of any defendant, whether the accused is actually guilty or actually innocent. Thus, the rules safeguard against the unjust conviction of an innocent person. It is quite another thing to assume that an accused person is actually innocent. According to the attorney, Vincent Bugliosi, "With respect to the presumption of innocence, legal presumptions are based on the rationale of probability.... When, however, we apply this underlying basis for a legal presumption to the presumption of innocence, the presumption, I contend, should fall. Statistics show it is ridiculous to presume that when the average defendant is arrested, charged with a crime, and brought to trial, he is usually innocent. But obviously, the converse presumption that a defendant is presumed to be guilty would be far worse and, indeed, intolerable." (FN 12) He continued, "The ultimate legal issue for the jury to determine is not the defendant's guilt or innocence. It is whether or not the prosecution has met its legal burden of proving guilt beyond a reasonable doubt. These two issues are not the same. Stated another way: to say one is 'guilty' is to say he committed the crime; to say one is 'innocent' is to say he did not commit the crime. In American criminal jurisprudence, however, the legal term 'Not Guilty' is not totally synonymous with innocence. 'Not Guilty' is a legal finding by the jury that the prosecution has not met its burden of proof." (FN 13)

Bugliosi's explanation of the meaning of presumption of innocence is perfectly compatible with another, more academic one. The general definition of presumption in criminal law, according to one textbook on the subject, is "a rule of law by which a judge attaches to one evidentiary fact certain procedural consequences such as the duty of the opposition to produce contrary evidence. A presumption is a deduction which the law requires a trier of facts to make." Thus, presumption is a legal or procedural rule establishing which party in a dispute has the burden to prove its case. Presumptions may be rebuttable, meaning that the inference or deduction from the evidence is required to be drawn only in the absence of evidence to the contrary. In criminal law, the most familiar one is that of presumption of innocence. However, it should also be noted that a defendant may be presumed to be guilty under some circumstances, such as preparation, flight, attempt to escape, withholding evidence, or false statements. (FN 14)

Under military law, guilt may be presumed also. If a commander submits a charge of Absent With Out Leave (AWOL) against one of his troops to a court martial, the charge must be accompanied by a copy of the Morning Report, or daily roll call, showing the name of the individual and the date(s) of the alleged absences. Since the Morning Report is the official record, it is the only evidence required to convict on the charge. Therefore, a person accused of AWOL has no presumption of innocence, and actually has the burden to prove his innocence in order to gain acquittal, once the charge is made.

Other critics, notably Lichtman and Rohrer, have shown other reasons to question the validity of the comparison of the theory of presumption in policy debate to the legal presumption of innocence in a court, based on the many situations where there may actually be presumption for change, and not against it. Our point here is that, even in the legal system, there is not a strong presumption of innocence per se, if there is such a presumption at all.

Previously we have seen that what we generally think of as policy resolutions are actually only a special subset of statements within the universe of policy propositions. Debate resolutions are phrased carefully to insure that presumption logically falls to the negative side: there is a call for the federal government to strengthen, curtail, establish, abolish, or otherwise change some existing policy. This formula has not varied for either high school or college debate tournaments for decades, except in CEDA and Lincoln-Douglas. It is not difficult to devise statements of policy wherein the presumption falls logically to the affirmative, namely, propositions which call for no change in present policy. "Resolved, that the United States should not surrender forthwith to Russia," is an example of a statement of policy which the affirmative should have little burden to prove. That there could be clash in a debate on that resolution is evident, if reports we have heard about Louisville's counterplan are accurate.

More importantly, all of this should illustrate that presumption is not a necessary concomitant of being on the negative side in a policy debate. And, if that is true, then it should follow that no rule is thus provided for extension to debates over value resolutions. If presumption devolves upon the negative in a value debate, it should not be simply because it is the rule in policy debate.

Now let us turn to the original question: where is presumption in value resolutions? Ronald Matlon attempted to offer a set of possible sources. According to Matlon, "There are three possible, albeit not exclusive, alternatives. First, presumption might rest against the proposition being argued, a point of view borrowed from Zarefsky's hypothesis-testing theory. . . .Second, presumption might rest with popular belief. . . .Third, presumption might rest with the specific judge's belief in the value judgment prior to the start of the debate round."(FN 15)

Of these three suggestions, the first (related to hypothesis-testing) seems to be currently favored among the essayists appearing in CEDA-sponsored publications.

The second is vulnerable to severe objections related to the difficulty of identifying what is in fact the popular opinion on value resolutions, and also to the conflict between popular beliefs and other sources of presumption.

Regarding the difficulty of identifying what popular opinion is, one would naturally think first of consulting the public opinion polls. However, public opinion polls are noted for recording swings in public opinion on just about all issues over time. Does this mean that presumption on a given value resolution depends on the calendar? Also, how can one be sure that a poll reflects the opinion of the most suitable population? There are such things as "issue publics," cued in to certain specific issues in public discourse such as the ERA, gun control, libertarianism, etc. While such groups may be considered unrepresentative or biased, they are also the most informed on that particular issue. Offsetting these groups are other groups within the larger public who are misinformed or uninformed, but who nonetheless offer opinions too. Does presumption flow from one of these publics, or both, or an average score among all of them, or what?

Perhaps related to these concerns is the fact that popular opinion is often contrary to other sources of presumption underlying values in our society. Public opinion polls disclose that a majority of people favor ERA, and that the people residing in the thirty-five states which have ratified it constitute over three-fourths of the U.S. population. Yet the ERA is not a part of the Constitution and will not be until the legal requirements for its passage are met completely. Thus, there is a countervailing presumption for legal procedure that outweighs public opinion. Polls consistently show a majority of people in favor of gun controls and against abortion. Polls have also shown that a majority of people oppose many of the guarantees of the Bill of Rights (when the fact that the listed protections of free speech, defendants' rights, etc. is not specifically linked to that document in the pollster's questionnaire). Many other examples could be mentioned which weaken the presumption asserted for popular belief.

Drawing presumption from the specific judge's belief in the value judgment prior to the debate mistakenly identifies the judge's personal value judgment with the statement of value asserted in the resolution for debate. Debate judges by now are conditioned to observe the first rule of being a forensic educator, which is to suspend one's own opinions of the merits of the resolution, and to judge the debaters on the basis of their debating performance. This observation is not entirely fair to Matlon, who was making a point about the desirability of teaching principles of audience analysis through the debate experience. If the debate is an audience exhibition, then the advice is especially appropriate. Even a trained professional debate judge is likely to give greater credence to arguments and evidence which accord with the judge's personal beliefs, by virtue of the nature of value argumentation and the fact of the judge's own human nature.

In the HS resolution dealing with education, the ideal value of quality education is contrasted with the value of desegregation. These values are compared and contrasted in terms of their varying consequences in the educational system. The judge must weigh these consequences in context of his/her own values. The debater may never know where the judge's presumption lies on this or other value controversies, so the debater should argue as though the presumption is for the opponent.

As we consider where presumption is located in value resolutions such as "Resolved: that homosexuality is immoral," we might gain insight once again by consulting authorities in other fields. According to Rokeach, human values stem from the culture; within the culture, from similar social institutions; similarities of sex, age, class, and race; religious upbringing; political identification; and similarities of personal experiences. (FN 16)

Recall that it was Rokeach who advocated the principle that it is more productive to assume that a value is something a person has, and not a quality an object is thought to possess. If that is true, then Matlon's advice to analyze the audience is to the point.

But another way of using the Rokeach approach is to consider the resolution of value as being expressive of the values of some constituent group(s) of people. Support for the resolution should be expected to flow from the relevant cultural elements, social institutions, religious and political organizations, etc., which exist to uphold and to promote such values. Consequently, the later Whately provides us with the best clue to locating presumption. Rather than arbitrarily assigning presumption to one side or the other, the judge defers a decision until such time as the debaters create arguments, invoke sources of evidence, and make other appeals to which the judge can give deference. In other words, presumption is given to the debaters who, in the opinion of the judge, do the better job of debating in the honored senses of analysis, reasoning, and evidence. Therefore, at the beginning of the value debate, presumption is not necessarily a factor working to the advantage of either side.

ARE THERE STOCK ISSUES IN A VALUE RESOLUTION?

Stock issues are questions arising from the analysis of a debate resolution, the answers to which must determine whether the resolution itself should be accepted or rejected. We do have an understanding of the notion of stock issues in a certain limited context, that of the stock issues of a given linguistic structure. Our understanding derives from classical rhetorical sources, as Ray Nadeau discovered: According to Ray Nadeau, "For centuries following the writing of Aristotle's Rhetoric and the Rhetorica ad Alexandrum, succeeding theorists have used the same patterns of deliberative topics, ends, or stock issues. The accompanying table shows how uniformly representative writers adopted essentially the same issues from the fourth century B. C. through the Renaissance. That 'modern' theory and practice follow suit is quite evident from current textual treatment and from the fact that deliberative speakers still ask themselves these questions (and others related or subordinate to them) about any proposed action:

1. Is it just? Is it lawful?

2. Is it expedient? Is it useful? Is it necessary? Is it safe?

3. Is it possible? Is it easy?

4. Is it honorable? Is it pleasant?"(FN 17)

These questions represent the types of issues which arise in resolutions which conform to certain limited linguistic structures. To ask whether the resolution asserts a statement whose justice, usefulness, practicality, and desirability are at issue assumes that the resolution is concerned with policy, specifically with proposed changes in policy. To simplify, let us look at the "stock issues" relevant to basic debate: (1) Is there a need for a change? (2) Will the plan meet the need? (3) Is the plan desirable? This formulary recital of basic stock issues is so familiar that many members of our larger forensic community take them for granted as being applicable to any debate resolution. The surprising fact is that, not only do these issues miss the point of a value resolution, they do not even fit all policy resolutions. As we have seen in our discussion of presumption, policy resolutions are not limited to propositions which call for some sort of change (except by traditional, tacit agreement among the resolution writers). For a resolution which calls for maintenance of an existing policy, such as, "Resolved: this house supports the continuation of the National Debate Tournament," the first stock issue would be, Is there a need NOT to change it?

For our present purposes, it is useful to investigate the notion of stock issues as stock issues. Any number of questions could be raised about any given debate resolution, but would just any question be so crucial to the analysis that its answer could determine the outcome of the debate? What are the criteria for qualifying a question or issue as being so important? According to Bill Harpine, "The above definitions and approaches indicate these characteristics of stock issues: (1) A stock issue must apply to all debates of a given type. For example, a stock issue applicable to deliberative speaking must have significance to all speeches about public policy. Further, a system of stock issues must be comprehensive; all relevant arguments in a given type of speech can be classified as supporting, directly or indirectly, the speaker's position on one or more stock issues. (2) Stock issues must be decisive. A debate turns to one side or the other according to how well the two sides have established their positions on one or more stock issues. That is, one side must assume a burden to prove (or at least to convince the audience of) its position on all of the relevant stock issues."(FN 18)

If we look for a set of questions which applies to all resolutions of a given type, questions whose answers decide the ultimate outcome of the debate, then our initial question takes on a new emphasis. We did not ask, "What are the stock issues in a value resolution?", but rather, "Are there any stock issues?" At this stage of our theory and practice in value debating, we would have to indicate that the question is still an open one.

For many of the given types of value statements, value judgments, or value resolutions, there are no stock issues because there is no commonly accepted way to prove them. Here we refer to the totally subjective, opinionated, emotionalized, non-fact containing speech acts such as those listed by the philosopher, Clive Beck. Gronbeck explained the reason for this: "Aristotle and Descartes, among others, laid out rules of validity and invalidity for arguments based wholly on factual assertions. They did not prescribe satisfactorily the kinds of inference to be used when dealing with arguments predicated on normative assertions...The 'gap,' then, arises because we generally believe that values differ significantly from 'real' objects, and because we generally find traditional logical inference ill-suited to problems of ethical disagreement and exhortation." (FN 19)

If we were to stop here, we should conclude that it is a futile waste of time to debate value resolutions, since it appears that there is no way to prove a rational case for them. However, that conclusion can be drawn only for value resolutions of a certain sort, as we said--the totally subjective assertion, with no factual components. That limitation does not describe all possible value resolutions. In fact, in our society, it does not even describe the most important ones. Public discourse is concerned with resolutions which incorporate both subjective and objective elements in an intersubjective match between and among the members of the community affected. According to Joseph Wenzel, "But of course values are neither in the object, nor in the subject merely. Rather, values exist in an intersubjective realm of agreements that are the fabric of a community; they exist in the actions and discourse of persons constructing, sustaining, testing and revising the rules by which they will live and act together."(FN 20)

By the process of construing, sustaining, testing, and revising their values, the members of the community succeed in transforming values into more tangible forms. Public discourse revolves around practical effects of a value judgment more than it does around the abstract, non-fact elements of a statement of values. The Dictionary of Philosophy states that a theory of value is aimed at "...answering a practical rather than a purely theoretical question since to conclude that a state of affairs is good is to have a reason for acting so as to bring it about or, if it exists already, to maintain it." (FN 21)

This implication is consistent with the approach taken by social psychologists in analyzing societal values. According to Rokeach, "Values are determinants of virtually all kinds of behavior that could be called social behavior...Boiling all these down to a more succinct theoretical statement, it can perhaps be stated that values are guides and determinants of social attitudes and ideologies on the one hand and of social behavior on the other."(FN 22) Although this implication seems to be inconsistent with Clive Beck's initial definition and listing of the speech acts employed in stating value judgments, Beck takes an "on-the-other-hand" position and explains: "It seems to me, however, that the way is open to an objectivist simply to reject the premiss upon which the objection is based: the proposition that every value statement contains one or more elements of the kind in question. Suppose, for example, that he holds to a rather sophisticated naturalism, statable in some such way as this: The following is a set of logically necessary and sufficient conditions of an object's being valuable for a certain population: (a) the object is satisfying or enjoyable, and/or leads to satisfaction or enjoyment and/or to the avoidance of dissatisfaction or pain, for the population in question; and (b) is practicable, in the long run and on the whole, for that population. Hence, value is empirically determinable; and value statements, that is, statements which either state or imply that something is valuable, are statements of fact, in a broad but legitimate sense of 'fact'."(FN 23)

Once we have settled on a value resolution phrased in such a way as to call forth debatable issues, it becomes more feasible to begin the process of identifying sets of relevant stock issues. When a subjective statement is transformed into a value resolution with a societal or corporate interest at stake, and a subject matter definable as belonging to an ethical, aesthetic, or instrumental area, we can determine what sorts of arguments must be presented and proven in order to merit acceptance.

According to Smith and Hunsaker: "There are three stock issues in a controversy over value. The first is, 'What is the value presented in the ultimate issue?' Our values shape our basic cognitive structure. It is essential here for the advocate to determine the value appealed to. For example, if the ultimate issue is whether or not control of pollution is economically feasible, the basic value is money. Having determined the basic value, the advocate should consider a second stock issue, 'What are the criteria of the value?' That is, in our example, how would one go about demonstrating whether or not pollution control is economically feasible? Finally, he should ask what facts, if true, would support the criteria, and whether these facts have been brought to light in the controversy. Having explored these three stock issues, the advocate may be able to demonstrate a rational basis for supporting or opposing the value judgment contained in the ultimate issue."(FN 24)

Questions such as these will do for stock issues to analyze value resolutions of a certain type. Both the preceding references appear to conform to the call for these steps in analyzing a value resolution of the form, "X (is, possesses, leads to) a given quality." For example, "The ERA is Necessary to America's Wellbeing." First, the values implicit in the resolution must be made explicit. This may be phrased as an issue by asking, "Is the value(s) definable?" Here we do not refer so much to a first affirmative definition of terms so much as to an analytical identification of the consequences of the values in question. Second, by what criteria shall these values be evaluated? If the resolution hinges upon a favorable value or quality, the question to ask is, Is it desirable?; if an unfavorable value or quality, then, Is it undesirable? Here we should be interested in the meaning or interpretation of the consequences of a value or quality. Given that a situation has certain consequences, are there ways to prove that those consequences are favorable or unfavorable? (At this point, the argumentation would likely fall back on whatever proofs are available to persuade the judge or audience that the terminal value involved is indeed present.) Finally, a third stock issue for this type of value resolution involves the ability of the interested community to influence the situation. In the case of a favorable value term, the question to ask is, Is the value attainable?; in the case of an unfavorable value term, the question is, Can it be suppressed or minimized?

These issues are offered as meeting Harpine's criteria: for all value resolutions of this type, the issues draw out the crucial controversial areas. Moreover, they are decisive. The advocate must win at least these issues in order to gain acceptance for a case, for, what judge (or audience) would accept a resolution of value whose value could not be defined, or whose consequences could not be evaluated as either favorable or unfavorable, or whose consequences could not be realized (or reduced, in the instance of unfavorable ones)?

What of value resolutions of the comparative sort, "X is more/less (quality) than Y"? These stock issues could be applied to the terms X and Y separately, but they offer little help to the debater (or judge) who seeks to find in them a method for ranking values into a hierarchy. For instance, in the resolution, "Resolved: that the life of an unborn fetus is more important than the life of the mother," it is possible to define the values elicited by the terms, unborn fetus and mother; the consequences of protecting each at the expense of the other could be determined; and it is possible to show how one or the other may be realized (or suppressed). But the ranking of which of the two values should take precedence is not evident as a result of this analysis. Other argumentation scholars also find difficulty in giving concrete advice: According to Windes and Hastings, "Because hierarchies of values overlap within a culture and because the basic values of any culture can be challenged by comparison with those of another culture, the analyst may wonder what values he should use in an argumentative investigation of a problem....However, there are undoubtedly cases when two sets of values conflict and one must choose between them. (An oft-repeated conflict is between idealistic and practical values.) What to do? Here we prefer not to advise the advocate. The decision is personal to the investigator and will probably grow out of his own subtle beliefs and feelings about what is right. It is one of the many existential moments which occur when we make decisions."(FN 25)

Apparently such an "existential moment" in a debate belongs to the judge. In the absence of stock issues (logical rules), the judge would revert to some application of presumption in order to decide. The advice most relevant at this juncture is the same as the advice with which we concluded the preceding major section: the debater should attempt to use the best analysis, reasoning, and evidence, in keeping with the later Whately's theory, and to appropriate the psychological presumption of the judge.

If it seems strange to conclude a section on the stock issues with a bit of advice about psychological presumption, keep in mind that the thesis of this paper is related to debating value resolutions. We never contended that value resolutions rest primarily upon logical rules. It is our intuitive feeling that one of the main reasons value resolutions are coming into vogue is to give students more experience in debating values, not facts, and in relating arguments to people, not to computers. Keep in mind, too, that this paper is exploratory in nature and does not claim to be a comprehensive review of all the possible compositions of stock issues that may be relevant to the numerous forms of value resolutions.

We have attempted to suggest a set of stock issues for use in at least one form of value resolution. Through this exercise, perhaps we have also demonstrated that the notion of one general set of questions to serve as stock issues, generically, for all "value resolutions" regardless of significant differences in their types, is a logically bankrupt enterprise. We do not take that value statement to mean that the practice of debating value resolutions is a bankrupt educational process. To deemphasize logical rules, and to reinforce persuasive, rhetorical rules, seems not to be a particular impoverishment, given the possibility that the loss in one area allows for gains in the other.

CONCLUSION

This paper has explored the concepts of value resolutions, the role of presumption in value resolutions, and the possibility of devising a set of stock issues for use in analyzing value resolutions. In the course of our exploration, we have had occasion to reexamine our understanding of related theories in policy debating. Hopefully, we have garnered some insights into argumentation generally, along with how these concepts might find possible applications within forensics education.

FOOTNOTES

1. Ronald J. Matlon, "Debating Propositions of Value," JOURNAL OF THE AMERICAN FORENSIC ASSOCIATION, 14 (Spring 1978), pp. 195-196.

2. Milton Rokeach, THE NATURE OF HUMAN VALUES (New York: The Free Press, 1973), p. 5.

3. Anthony Flew, DICTIONARY OF PHILOSOPHY (New York: St.Martin's Press, 1979), p. 338.

4. Rokeach, pp. 4,5.

5. Clive Beck, "IV. Utterances Which Incorporate a Value Statement," AMERICAN PHILOSOPHICAL QUARTERLY, 4 (October 1967), p. 291.

6. Joseph W. Wenzel, "Toward a Rationale for Value-Centered Argument," JOURNAL OF THE AMERICAN FORENSIC ASSOCIATION, 13 (Winter 1977), p. 156.

7. David A. Thomas and Maridell Fryar, LINCOLN-DOUGLAS DEBATE AND STUDENT CONGRESS (Skokie, IL: National Textbook Co., 1981). Lincoln-Douglas debate is limited to value resolutions according to NFL rules, and much of our text is devoted to these matters.

8. J. Michael Sproule, "The Psychological Burden of Proof: On the Evolutionary Development of Richard Whately's Theory of Presumption," COMMUNICATION MONOGRAPHS, 43 (June 1976), p. 120.

9. Sproule, p. 121.

10. Sproule, p. 122.

11. Sproule, p. 128.

12. Vincent Bugliosi, with Ken Hurwitz, TILL DEATH DO US PART (New York: Bantam Books, 1978), p. 379.

13. Bugliosi,pp. 380-381.

14. Paul B. Weston and Kenneth M. Wells, CRIMINAL EVIDENCE FOR POLICE,SECOND ED. (Englewood Cliffs, NJ: Prentice-Hall, Inc., 1971), p. 187.

15. Matlon, pp. 199-201.

16. Rokeach, p. 23.

17. Ray Nadeau, "Hermogenes on 'Stock Issues' in Deliberative Speaking," SPEECH MONOGRAPHS, 25 (March 1958), p.62.

18. Bill Harpine, "Stock Issues in Aristotle's RHETORIC," JOURNAL OF THE AMERICAN FORENSIC ASSOCIATION, 14 (Fall 1977), p. 74.

19. Bruce E. Gronbeck, "From 'Is' to 'Ought': Alternative Strategies," CENTRAL STATES SPEECH JOURNAL, 19 (Spring 1968), p. 33.

20. Wenzel, p. 153.

21. Flew, p. 338.

22. Rokeach, p. 24.

23. Beck, p. 291.

24. Craig R. Smith and David M. Hunsaker, THE BASES OF ARGUMENT: IDEAS IN CONFLICT (Indianapolis: Bobbs-Merrill Co., Inc., 1972), p. 41.

25.Russel R. Windes and Arthur Hastings, ARGUMENTATION AND ADVOCACY (New York: Random House, 1965), pp. 166-167.

"ON 'BEING REASONABLE':
THE LAST REFUGE OF SCOUNDRELS"

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One of the most difficult acts for any judge, observes Felix Frankfurter, is that of statutory construction. "The intrinsic difficulties of language and the emergence after enactment of situations not anticipated by the most gifted legislative imagination, reveal doubts and ambiguities in statutes that compel judicial construction."[1] Frankfurter compares the process of judicial construction of two twentieth century justices, Oliver Wendell Holmes and Louis Brandeis. For Holmes, "the meaning of a sentence is to be felt rather than proved," and meaning became an act of judgment "to determine the felt reasonableness of the chosen construction."[2] Frankfurter comments that Holmes "reached meaning easily"[3] and one might concur that if meaning is to be seen and felt, it might be achieved more easily--especially if one were a visionary. Justice Brandeis, in contrast, determined the meaning of a statute only by exact proof through detailed argument. "More often than either Holmes or Cardozo, Brandeis would invoke the additional weight of some rule of construction."[4] The comparison Frankfurter draws is between the visionary and the rule governed dialectician. While both determined meaning, their methods were far different; the reasonableness of a meaning in one case was felt; in the second case it must be clearly proven. Fortunately for the twentieth century both men were giants of jurisprudence.

The issue raised by Frankfurter, the reasonable construction of meaning, is still a thorny one in debate adjudication. While the parallel is not perfect, many affirmative teams, through fiat, develop statutes, and if affirmatives had their way, the U.S. Constitution would soon look like the 106 volume Constitution of Kansas. The affirmative proposes a new statute, perhaps a constitutional amendment. Like the Court, the judge in a debate must rule on the meaning of that statute.

A fairly new coach in our state was saddled with the task of running her first high school tournament. Since she was inviting parents and townsfolk to judge, she prepared a set of instructions to guide them through sixty minutes of potential forensic confusion. There were key issues to be resolved and awarded, the information sheet began, and each could be phrased as a question and answered yes or no. These included:

1. Is the affirmative topical?
2. Is the affirmative case significant?
3. Is the affirmative problem inherent?
4. Will the plan solve the problem?
5. Does the affirmative answer any significant disadvantages to the affirmative plan?

Following these questions, and a short explanation of each, was a chart headed "Yes/No." After the debate the judge was to place checks in the appropriate boxes and if all questions could be answered "Yes" the affirmative would win. I suspect this was an attempt to turn a lay judge into a stock issues judge in two minutes or less, and it presents a few problems.

Most debate judges would reject a push button (Yes/No) response on issues of significance, inherency, solvency, or disadvantages, but what of topicality? Isn't the issue of topicality still a Yes/No, off/on switch? While medical science and test tube babies may destroy the analogy that one cannot be a little bit pregnant or a little bit topical, the basic judgment still remains an either/or. In fact, this may be about the only issue left in debate calling for a dichotomous judgment.

Another look at the Roman development of the concept of stasis reveals two types of questions to be resolved--substantive and procedural. In the context of debate substantive issues are those arguments growing from the topoi of the resolution (or from the field or fields the resolution may embrace). We need to know how cigarettes affect health, how guns affect users, how labor unions affect the economy. These questions can be answered by an investigation into the areas of the topic and gathering evidence pertinent to those issues. The second type of issues, procedural issues, concerns problems of legitimacy of operation within the context known as intercollegiate debate. While there may be several of these issues, the primary one is topicality. Substantive questions, especially as adapted to modern debate, admits to answers of degree, while procedural questions do not. The basic procedural question, does the court have standing in this case, becomes the basis for topicality.[5] If the court does not have standing, the merits of the case are irrelevant. If the affirmative case is not topical, then its benefits are irrelevant. It is not a question of degree, but rather an issue that must be answered yes or no, and it must be answered before the substantive issues can be explored and awarded. Topicality is probably the most difficult issue for judges to decide, precisely because it is an either/or procedural judgment.

The difficulty, as viewed by many judges, is that of making a probabilistic judgment on an absolute issue. Even if the judgment is viewed as probabilistic, the results are absolute. Austin Freeley probably summarized the feelings of most judges: "Topicality becomes an absolute voting issue if the negative wins this argument."[6] This discomfort leads some judges either to seldom vote on topicality or demand more for such a judgment. In the NDT Judging Booklet of 1981, Coulter commented, "as many of you know, I seldom vote on topicality. I will vote on topicality, however, if it is presented in a concise form."[7] One might interpret Coulter's "concise form" as clear standards. Similarly, John Gossett commented: "The affirmative has presumption on topicality. Therefore, the negative must win the topicality argument, not just place doubt in my mind, in order to win the round on that single issue."[8] In other words, a probabilistic judgment is not likely to produce a negative decision.

The problem is not difficult to understand. Given the all-or-nothing implications of this issue, judges are reluctant to award decisions without clear resolution. With affirmative responses that seem, or feel reasonable, it is easier to ignore the issue and resolve the debate on substantive issues.

An affirmative team may claim 30% solvency for their plan, and still argue that such solvency would produce sufficient advantage to justify an affirmative ballot. But could the affirmative claim 30% or 50% or even 70% topicality and gain the same result? Affirmative teams are not likely to take such a chance. It must be argued as an all-or-nothing issue. It is not surprising that Jack Rhodes commented in his judging statement, "I am generally not too persuaded by most topicality argumentation."[9]

Nearly every debate text written suggests that the affirmative present a reasonable definition of terms. The criterion for establishing terms is reasonability, the same standard used for evaluating how well they were developed and defended. Cole Campbell summarizes this position.

> The determinant of whether the affirmative definitions of terms are legitimate and acceptable is the reasonableness of the definitions . . . If a definition of the proposition fails to uphold that function by making the proposition so broad that it lacks any realistic limits or so broad that negative teams cannot prepare to debate the myriad of possible affirmative cases under it, that definition is unreasonable.[10]

Thus the affirmative needs to be reasonable. As affirmatives are fond of putting it, "All we need to be is reasonable." So long as a definition seems "reasonable" it should not become the basis for rejection. To be reasonable is clearly not only one of the goals of society, but of language communities since the Greeks. Reasonability is surely the handmaiden of rationality, and for the essentialists, the essence of man. In the language of Kenneth Burke, "being reasonable" functions as a god-term. A god-term is a summarizing term, encompassing particulars of some genre.

While Burke's theory of transcendent or god terms seems borrowed from Hegel, the distinctions between the two are important. For Hegel the concept of synthesis, as a transcendent term, combines the elements of both thesis and antithesis. The new transcendent term becomes a thesis to be juxtaposed with a new antithesis, and the dialectic of movement continues. For Burke, dialectical terms--usually seen as logical or at least poetic opposites--give rise to a transcendent term, one which subsumes the dialectical oppositions.[11] As Jane Blankenship explains, "If dialectical synthesis appears impossible at one level, then we symbolically erect a 'higher synthesis, in poetic and conceptual imagery that helps us 'accept' the contraries with which we are confronted."[12] But the method of acceptance is critical, and depends upon how the god-terms are used.

In his essay, "A Dramatistic View of the Origins of Language," Burke distinguishes the horatory from the propositional. His distinction between his position and Bergson's is that in his view, the horatory precedes the propositional in language. Thus the "thou shalt nots" precede the "it is nots."[13] While his emphasis here is on the negative, his analysis applies to his development of god-terms. Insofar as they transcend opposites, god-terms tend to be horatory rather than propositional. Insofar as a term attains the status of a god term, it is usually invoked rather than argued; it becomes horatory rather than propositional.

Such is the problem with the term "reasonable." When an affirmative argues "all we need to be is reasonable" they invoke reasonability as a god-term, and the dialectic disappears. The problem is that the horatory use of a dialectical term makes the term meaningless. In fact, few terms have been as butchered in debate as the term "reasonable." Whether the term can survive depends in large part on regaining its meaning. To return to our initial distinction, reasonableness (unless one is Holmes) cannot be felt; it can only, to borrow from Brandeis, be strictly proven, and for that clear standards are necessary.

The interpretation of a debate resolution is not unlike the interpretation of a judicial statute. Both are problems in the interpretation of rules. In The Logic of Choice, Gideon Gottlieb analyzes the major doctrines of interpretation discussed by C. P. Curtis. Curtis' rules for interpretation include:

> i. the interpretation of a rule depends upon the discovery of the true or plain meaning of its words. This is the so-called 'one word meaning school';
> ii. or upon the intention of the author of the rule;
> iii. or upon the intention which the author would have had if he had addressed his mind to the problem;
> iv. or upon anticipation of the results of an appeal involving the construction of the rule;
> v. or upon the meaning which a reasonable layman would assign to the rule in the given circumstances.[14]

The one-word meaning school argued that "no competing meanings can coexist within the narrow confines of a single word." The argument of multiple meanings, therefore, centered around discovering the only one true meaning. Such problems as determining the true meaning prompted others in law, such as Kohler, to argue that no single meaning need be true; multiple meanings shifted the issue from the truth or falsity of a single meaning to the possible results from multiple interpretations.[15]

The search for intention, long a dominant influence on the construction of law, "despite the reservations of Holmes and Frankfurter." The search for intention led to the problem of attribution, perhaps even fictional, and to the general search for legislative history.[16]

The basic for the "reasonable man theory" came from the argument of Oliver Wendell Holmes:

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> It does not disclose one meaning conclusively according to the laws of language. Thereupon we ask, not what this meant, but what those words would mean in the mouth of a normal speaker of English, using them in the circumstances in which they were used, and it is to the end of answering this last question that we let in evidence as to what the circumstances were.[17]

The problems articulated by Gottlieb should seem familiar to anyone trying to unravel issues related to topicality in a debate. Individual words may have several meanings, not one of them more "true" than any other. Words may also be combined into adjectival clauses or phrases in which the interinanimation of individual words changes or enhances the possible meaning of the word cluster. Taking the words "minimum", "educational" and "standards" with separate, possibly multiple meanings, and linking them into "minimum educational standards" creates a new configuration of meaning separate from individual meaning of words.

The problem of intention is more thorny, for the resolution was composed by a committee, each of whom may have had separate interpretation of meanings, and until recent years, the only clue we had to committee intent was the resolution itself. The issue of parameters as statement of intent will be discussed later.

The problem of the "reasonable man" definition was in part one of finding a reasonable man. The problem is similar to the "one meaning theory." If a reasonable man would accept one definition as true, then truth was again the criterion, but the application of such truth was the elusive reasonable man. Similarly, if one encountered a "reasonable man" as the judge in a debate, a "man of the streets," "a layman," he was apt to settle the issue of topicality without recourse to elaborate arguments about standards. The reasonable man would recognize the best definition, and in the hands of this man, the concept of reasonableness was more likely to be felt than demonstrated.

The purpose of this paper is then to argue that there are at least three minimum standards applicable to claims of "reasonableness." While these standards need to be argued and resolved within the round of debate itself, they should be a starting point for making judgments about reasonableness. These standards include (a) intent (b) grammatical context (c) field context.

A. INTENT. It has been believed for some time that topics possessed "spirits" that could be invoked to dispense justice, or which, like a poltergeist, occasionally dispenses justice without even being invited. Finding the "spirit of the resolution" was a metaphysical quest for intent, and like so many other metaphysical quests, was more elusive than satisfying. The resolution probably did have intent, but it was hardly spiritual.

The development of parameters by the topic committee became the first clear statement of intent. The parameters indicated the limits of applicability to the proposed statute. As such, they are the most reasonable statement of intent. It is possible, of course, that arguments of counter-definition can persuade a judge to view parameters as merely advisory, but this does not mean that the parameters do not stand as the best statement of intent. The argument that parameters should be binding is based on this assumption; whether they become binding should probably depend upon the arguments made during the round. However, without clear counter-argument, the parameters should be the first criterion to decide reasonableness. These parameters are clearly set forth when the topic is adopted. While it is possible that in a given topic the parameters may contradict a proposition, the argument that another contradictory definition invalidates the parameters misses the point that the parameters chosen represent the best statement of committee intent as to the limits of the topic's meaning. Discarding the parameters without the strongest reasons is not reasonable.

B. GRAMMATICAL CONTEXT. The debate proposition is normally a declarative sentence, complete with subject, noun and verb. Definitions of terms must be consistent with their grammatical use in the propositional sentence. Whether a word is used as a noun or a verb will substantially alter the meaning of the proposition.

Each term within the resolution will have meaning. In David Williams' essay on topicality and reasonableness, he observes:

> The interpretation must preserve a discrete meaning or functioning for each term. The presumption is that the resolution is a well-written sentence and that each word in the sentence is there for a reason, that each word further refines the meaning of the sentence. Hence, any interpretation which ignores the existence of one or more terms or which renders two or more terms redundant is not a reasonable interpretation because it is not contextual.[18]

Each term then further refines the meaning of the resolution. Words ignored or redundant definitions distort the meaning of the grammatical context. Campbell makes the same point but includes contradictory as well as redundant terms; they are not reasonable in the grammatical context of the proposition.[19]

The function of terms within a grammatical context is to exclude as well as include. Definitions demarcate; they set boundaries. Hence definitions of a proposition must show what is excluded as well as what is included. One reason is that words can be combined into countless numbers of combinations, and each combination produces a different meaning. Jerold Katz argues:

> If we count the number of senses of all the lexical items in an ordinary sentence of fifteen or twenty words and compute the total number of possible combinations that could be formed from them when they are paired up in accord with the grammatical relations of the sentence, the number of possible senses usually runs into the hundreds. Since no sentence of a natural language has anywhere near this many senses, and some have none at all, a rather severe form of selection must be going on in the process of producing derived readings.[20]

Grammatical combinations reduce the number of possible meanings of a proposition. Stated parameters reduce the number of possible meanings of a proposition. And the field context further reduces the number of possible meanings of a proposition.

C. FIELD CONTEXT. While a debate resolution may present terms that are "new" to the debaters who undertake to research it, the key terms of that resolution will not be new to others--primarily those in fields or disciplines where the terms are commonplace. The argument here is that debaters need to be guided by meanings commonly held by the field where key terms are familiar and commonly used. It is no accident that we seldom invite guest experts from a particular field to observe debates; their confusion often stems from the dissociation of terms they thought they understood from the context in which they are being employed. Critical responses from such experts is generally well known.

There are certainly issues of what constitutes a field, and one of the programs at this conference will treat that issue. For our purposes, the concept of discipline may seem more appropriate. Terms concerning nuclear weapons are understood best by nuclear physicists; terms concerning economic growth are understood best by economists.

One only has to trace invitations to testify before congressional committees to realize that terms in key bills are best explained by experts in a particular discipline.

For example, this year's intercollegiate debate resolution concerns labor unions. Some enterprising affirmative team will define labor as to "strive toward a goal"[21] and define union as "persons associated together for common purpose."[22] Thus almost any goal-directed activity of two or more persons in concert becomes a labor union, thus broadening labor unions to include marriages, debate teams, the Ku Klux Klan and the CIA. The problem of defining each term separately and then combining them is obvious. The meaning of "labor union" is relatively clear to the fields of labor economics and labor law; these terms have been used with familiarity in these fields for nearly a century. To ignore common meanings within a field where the term is commonly used by its nature becomes unreasonable. While labor unions could mean many things, the term does have operational meanings within the fields where it is most commonly used. Debaters need to be guided by the disciplinary context of key words in the resolution.

Many debaters would adopt their plan through "normal legislative process." While this can be done through the nature of fiat, it might be well to examine how normal legislative process would treat the resolution if it were a bill. A bill to curtail the powers of labor unions, or put labor unions under anti-trust legislation, would be first examined in the Senate by the Committee on Labor and Human Resources. If the affirmative decided to argue the Ku Klux Klan was a labor union, such a bill would hardly be assigned to this committee. In other words, normal legislative process assumes bills would be sent to appropriate committees for critical examination and testimony. If the bill to regulate labor unions had to be sent to the House Un-American Activities Committee, normal legislative process would be impaired. In deciding whether definitions would be recognized and accepted, affirmative teams might consider the structure of Congress and how bills are assigned to committees. The point is that common meanings often arise in fields or disciplines where the terms have been used. When debaters ignore the meanings of those fields and create new meanings, ones not recognized by the field where the term is commonly studied, the affirmative team loses the grounds for claiming they are reasonable.

The purpose of a debate resolution is to provide an arena for argumentative clash in a problem area. As Campbell argues, "The proposition's function is to limit the discussion in a debate to a given problem area."[23] But a proposition so broad that its function is lost, or so defined that it prevents negative teams from preparing against innumerable cases is unreasonable.[24] This does not mean, however, that because a negative team is unprepared for a particular case that the case is necessarily unreasonable.

A typical negative response to seemingly unreasonable cases is to argue that the affirmative team renders the topic limitless. The affirmative usually responds that other words in the topic, such as the federal government, limit the topic so that the resolution is indeed limited. This response begs the question that a single key term may be defined in such a way to avoid rather than encourage clash. The negative need not prove that the topic becomes limitless to sustain the claim that the affirmative definitions are unreasonable. The negative needs to realize that the burden of providing reasonable definitions rests with the affirmative. It is enough for the negative to prove that the affirmative definitions are not reasonable.

The purpose of this paper has been to suggest that reasonability cannot be invoked or felt. It is necessary that the dialectical requirements of reasonability be developed and the affirmative measured against that standard. Toward that end, this paper argued that three minimum standards were essential to establish reasonability of definition: intent, grammatical context and field context. Unless we are able to acquire the wisdom of Holmes, we are forced to follow the lead of Brandeis, arguing the reasonability of statues from clearly defined criteria.

FOOTNOTES

[1] Felix Frankfurter, in Ruggero Aldisert, Ed., The Judicial Process: Readings, Materials and Cases (St. Paul, Minn.: West Publishing Company, 1976), p. 189.

[2] *Ibid.*

[3] *Ibid.*

[4] *Ibid.*, p. 191.

[5] For a discussion of substantive vs. procedural issues, see Donn W. Parson, "The Elusive Search for Evaluative Criteria," paper presented to the University of Nebraska Symposium on Argumentation, February, 1975.

[6] Austin Freeley, Judging Philosophy Statement, National Debate Tournament Judges Statements, 1981.

[7] Skip Coulter, Judging Philosophy Statement, National Debate Tournament Judges Booklet, 1981.

[8] John Gossett, Judging Philosophy Statement, National Debate Tournament Judges Booklet, 1981.

[9] Jack Rhodes, Judging Philosophy Statement, National Debate Tournament Judges Booklet, 1981.

[10] Cole Campbell, *Competitive Debate* (Chapel Hill, N.C.: Information Research Associates, 1974), p. 113.

[11] For a discussion of transformation of terms, see Kenneth Burke, *A Grammar of Motives* (New York: Meridian Books, 1962), pp. 402-443.

[12] Jane Blankenship, Edward Murphy and Marie Rosenwasser, "Pivotal Terms in the Early Works of Kenneth Burke," *Philosophy and Rhetoric*, VII (Winter, 1974), p. 18.

[13] Burke's discussion of horatory and propositional terms is contained in his essay "A Dramatistic View of the Origins of Language," in Kenneth Burke, *Language as Symbolic Action* (Berkeley: University of California Press, 1968), pp. 419-432.

[14] C. P. Curtis quoted in Gideon Gottlieb, *The Logic of Choice* (New York: The Macmillan Company, 1968), p. 91.

[15] Gottlieb, p. 92.

[16] *Ibid.*, p. 93.

[17] *Ibid.*, p. 94.

[18] David Williams, ed., *U.S. Trade, Weapons and Assistance Policies: Perspectives and Issues*. (Lawrence, Kansas: Jayhawk Debate Research, 1979), p. 1-10. Williams' excellent essay focuses specifically on issues of topicality and reasonableness. While he covers several perspectives not discussed here, his development of grammatical context is used in this paper.

[19] Campbell, p. 113.

[20] Jerold Katz, "The Realm of Meaning," in George Miller, Ed., *Communication, Language, and Meaning* (New York: Basic Books, 1974), p. 44.

[21] Clarence Barnhart, ed., *The American College Dictionary* (New York: Random House, 1955), p. 680.

[22] *Ibid.*, p. 1325.

[23] Campbell, p. 114.

[24] *Ibid.*

DETERMINING WHAT ARGUMENTS ARE CRITICAL

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At the beginning of many older debate textbooks there is a section, in many cases an entire chapter, devoted to the selection of a debate topic. This section would frequently suggest that a good debate topic would have such characteristics as being of current interest, being contreversial, being capable of having research done on it, and so on. When I was first exposed to these chapters as a young student of argument, I was always puzzled about the relevance of this section of a textbook. After all, the students in a typical argumentation and debate class were unlikely to ever be involved in the selection of a debate topic and, if the topics of the past few years are any indication, those who write the topics probably rarely read the guidelines provided by the textbooks.

Upon reflection, however, it seems that these sections of the old debate textbooks did have an important, if neglected reason for their inclusion; they illustrated the principle that not all potential arguments are worth arguing about. As citizens, we are faced with a large number of choices. We must decide when to wake up, what to eat, what to wear, who to vote for, what to spend money on, and so on. Some of these decisions we make without really thinking about the implications of the decision, while in other cases we may spend a great deal of time deliberating about a decision. The process used to decide what decisions should be made by intuition and what decisions should be made through intense deliberation is a critical, and often neglected step in the decision making process that may be as important, if not more important, than the way a final decision is reached. As a policy maker or as a citizen, it is important to understand how we decide what to decide, as well as how we make the final decision. The decision that we fail to make can come back to haunt us, just as the decision to spend too much time on unimportant issues can cause us to spend too little time on the important decisions. It would thus be appropriate to examine how the choice of what decisions are important is made.

One field of argument that has devoted a great amount of literature to the question of what arguments deserve to be heard is the field of law. The Supreme Court has the authority to review a large number of lower court decisions each year. Since the 1925 amendments to the Judicial Code, however, a majority of the cases that the Supreme Court hears each year have been discretionary cases; cases that the Supreme Court voluntarily decides to decide.[1] The procedure that the Supreme Court utilizes to decide what cases it should hear is known as the certiorari process, which is "an expression of willingness by the United States Supreme Court to review a lower court decision."[2] Each year, there are between three and five thousand requests for certiorari, and only about 150 of these requests are granted.[3] The decision as to which cases the Supreme Court decides is one of the most important decisions that the Court makes. Harper and Rosenthal note:

> . . . the influence of the Supreme Court in our system of government cannot be accurately appraised by a consideration only of those cases which it reviews and decides by written opinion. The cases which it declines to review and pass on may be of equal or greater significance.[4]

Harper and Etherington predicted that:

> If an efficiency expert took a look at the business of our highest tribunal, he might very well come away with the notion that more time is devoted to deciding not to decide a case than to the disposition of those which get from one to four or five opinions from the Justices.[5]

Since the Supreme Court cannot hear all the cases that reach it, it must decide what cases are worth considering. Prettyman argues:

> Obviously, the Court must deny hearings in all but the most exceptional cases, or it will not be able properly to exercise its judgement in those cases in which review is granted.[6]

The decisions made by the Supreme Court require time. They cannot be made rapidly, but rather, much as in debate, they require time to evaluate all the potential effects of various decisions. The Report of the Study Group on the Caseload of the Supreme Court noted:

> The indispensable condition for the discharge of the Court's responsibility is adequate time and ease of mind for research, reflection and consultation in reaching a judgement, for critical review by colleagues when a draft opinion is prepared, and for clarrification and revision in light of all that has gone before.[7]

Rather than decide all cases in a superficial manner, the Supreme Court has decided that it is better to decide a limited number of cases in a comprehensive manner, and to let the other decisions stand.

The manner in which the Supreme Court determines what cases to hear is unclear. The discretionary power of the Supreme Court is codified in the United States Supreme Court's rule 19,[8] but the wording of the rule is ambiguous. One thing it does make clear is that "certiorari is not a matter of right, but of sound judicial discretion, and will be granted only where there are special and important reasons therefor."[9] What this means in practice is unclear. Gibbs argues that the Supreme Court has developed a "doctrine of secrecy" designed to keep the reasons for the denial of certiorari from the public.[10] The reluctance of the

Supreme Court to give its reasons for the denial of certiorari in all casses has been attacked by Harper and his associates, among others.[11] Nevertheless, it is possible to piece together an outline of the types of reasons that the Supreme Court refuses to hear a case by examining those cases that the Court did give a reason for denying certiorari and from other material.[12] Prettyman, for example, discovered that at least thirty reasons were given by the Supreme Court at various times for its refusal to hear a case.[13]

There have been several general reasons suggested by various writers for the Court's refusal to grant certiorari to a specific case. While it is not the intent of this essay to outline a complete theory of certiorari or to evaluate the various arguments for each theory, a few of the theories that have been advanced to explain the nature of the Court's certiorari policy may help illustrate the types of issues that are involved in the granting of certiorari.

Gibbs suggests that one possible influence on the certiorari process is the importance of the issue. If the case is controversial or if the issue affects a large number of people, the case is more likely to be heard than a case that affects only a few individuals.[14] This is not the only restriction placed on the cases the Court decides to hear. If the fact situation is unlikely to recurr, the writ of certiorari is likely to be denied.[15] If other appeals are open to the litigant, the request is also unlikely to succeed. In some cases, the complexity of the situation could hurt the chances of those asking for certiorari:

> . . . it will probably prove helpful if you can legitimately show the factual situation in the case to be more complex than indicated by petitioner. Not more *important*, but more complex. Thus, if petitioner has left out vital facts, so that upon review of your opposition brief the Court is convinced that it will be entering a factual quagmire rather than confronting a straight issue of law, you will have substantially advanced your cause.[16]

In addition, certiorari may be denied because the time frame of the decision may not be favorable. The political, economic or social conditions may not be ripe for a decision, or events may have made a decision moot.[17]

It is important to understand that the denial of certiorari does not mean that there is no merit in the argument; it merely means that the Court does not want to decide the case at this time.[18] The argument may or may not have merit. In addition, the reasons given for the denial of certiorari go beyond jurisdictional reasons. In each case, the case falls within the jurisdiction of the Supreme Court, but the Court requires additional burdens be met before they hear a case. The Court grants certiorari only if there is an affirmative reason to do so.

So far, I have just discussed the decision to decide in the Supreme Court. There is a similar, if not as well developed, stage in other fields besides law. In journalism, the decision of what to include in a publication is a critical step made by any editor.[19] In Congress, the Rules Committee has some discretion on what bills are brought before Congress. The mass media often decides what issues are considered important by the public.[20]

In business, Friedman and Segev note that the allocation of time between tasks is extremely important:

> Managers do not have enough time to deal with all the many problems that face an organization. Consequently, top management time is a scarce resource. Not all tasks offer the same return relative to the time required to perform them. Therefore, a selection process is needed to allocate managerial time among different tasks, in order to achieve maximum return on the total available time.[21]

In science, members of the field are also faced with a choice of what types of knowledge to explore. Kuhn poses the question that faces each scientist:

> On what aspects of nature do scientists ordinarily report? What determines their choice? And, since most scientific observation consumes much time, equipment and money, what motivates the scientist to pursue that choice to a conclusion?[22]

One function of a scientific paradigm may be to assist the scientist in his/her decision about what scientific decisions are worth making:

> A paradigm can, for that matter, even insulate the community from those socially important problems that are not reducible to the puzzle form, because they cannot be stated in the terms of the conceptual and instrumental tools the paradigm supplies. . . . One of the reasons why normal science seems to progress so rapidly is that its practitioners concentrate on problems that only their own lack of ingenuity should keep them from solving.[23]

Thus, the selection of important problems may cause equally important problems to be ignored.

The decisions made by an editorial board of a publication may also reflect a judgement as to what arguments in a field are worth study, and which arguments are not worth the effort.[24] The decision to fund one research project instead of another project reflects a similar decision. In all of these cases, the decision maker faces three constraints: 1. there are a large number of potential decisions to make; 2. there is a limited and inadequate amount of time in which to make a decision; and 3. an initial decision must be made as to how the limited amount of time should be spread out among the potential decisions. The issue of jurisdiction may help make the last determination, but it is by no means the sole factor used in making the final decision. This last constraint means that some decisions are made in a very abreviated form and others are either put off or neglected. The decision maker must make some decision about the rel-tive merits of the potential decisions.

The importance of the decision to decide would seem to have several implications for academic debate. First, it would place additional burdens on the affirmative. It would not be enough for an affirmative team to demonstrate that it is topical; it would also have to demonstrate that the decision facing the judge is worthy of the judge's consideration. The traditional view of topicality has been that once a policy is shown to be topical, that alone is enough to warrant its discussion. This is not the case in most, if not all, other fields. Topicality merely determines whether or not a proposal is within the jurisdiction of a judge; it does not mean that the judge must or should consider the issue. With the Supreme Court, this distinction is clear. Each year, thousands of cases fall within its jurisdiction, but few are heard. To be within its jurisdiction (i.e., to be topical) is a necessary condition for a judge to consider a policy, but it is not sufficient alone to warrant hearing arguments about the policy. Congress, for example, has the jurisdiction over a large number of pieces of legislation but it chooses to deliberate on only a relatively few of these proposals. Journals receive large number of relevant articles, but they choos to print only a few of those relevant to their field.

From the policy making perspective, this choice makes sense. There is a limit to the number of policies that an individual can adequately evaluate during any given time period. To spend time evaluating one policy means that other policies are not evaluated. If Congress, for example, spent all of its time evaluating private bills, major bills concerning energy, inflation and defense may be neglected. Thus, one of the primary responsibilities of a rational policy maker is to restrict the decisions that the policy maker will face. Topicality is not relevant to this decision. Topicality lets the policy maker know what decisions are open to him/her, but if the number of decisions are still numerous other tools must be used to limit the number of decisions made. The topic outlines the jurisdiction of the judge, but additional requirements are needed to prevent decision overload.

The guidelines for the restrictions on affirmative policies should probably be decided in the debate round, but a few potential guidelines could be suggested. First, the decisions should be significant, at least compared to the other potential decisions faced by the decision maker. This type of significance is not the same as the significance used by a judge to weigh against a disadvantage at the end of a round in that it must be decided at the beginning of the round (probably by examining the first affirmative). Since the issue is whether or not the policy is worth considering, the question facing the judge is whether or not there is enough evidence suggesting a significant problem exists. If, after examining all the evidence, it turns out that the affirmative overstated its case, this is not a reason to refuse to hear a case, since the determination would have been based on a post facto decision. A judge should not have to hear a case to determine whether or not there is a reason to hear the case; rather the judge should decide whether or not there is evidence to suggest a significant problem exists, not whether or not a significant problem, in reality, does exist.

Second, the affirmative may be required to demonstrate that there is enough evidence to make a decision. If the information is inadequate, or if vital information is missing, a judge may decide to delay this decision in favor of other decisions that can be made on more complete information. Third, the negative team may want to argue that now is not the time to make a decision. If the problem is unlikely to occur in the near future, it may be wise to devote our energies to more immediate problems, while if the decision affects something that happened a long time ago, it may be wise to deal with more pressing events. Fourth, the negative may want to suggest that the problem is not controversial, and thus not worthy of debate. The implication of all of these strategies is that there are various decisions that policy makers should not make.[25] Topicality arguments may suggest some limits on the policies that a judge should consider, but there are other limits that a judge should place on the decisions (s)he makes.

This position may slightly oversimplify the dynamics of decision making since it assumes that a policy maker is always faced with a decide/do not decide choice. In reality, the choice is slightly more complex. A decision maker often has several potential decision making strategies available.[26] At one extreme, a policy maker could resort to intuition; acting on a hunch.[27] At the other extreme, a policy maker may seek out a great deal of information, conduct further independent studies and consult a wide variety of individuals in order to make the best possible decision. In between, the policy maker may attempt incremental, satisficing, or other strategies.[28] The type of decision reached through academic debate would probably be somewhere in the middle. A decision by debate is more than a hunch, but the time constraints placed on a debate round prevents a detailed analysis of all the implications of a policy from being discussed.

A wise decision maker would resort to a debate-type format only for a middle range decision. Some decisions (for example, which side of the bed I should get out on in the morning) deserve only minor attention, and the decision maker should rely on intuition or less sophisticated decision making models. Other decisions may be so complicated that the debate forum is inappropriate. The study counterplan (while it may be overused in current practice) may illustrate this limit on the debate process. Essentially, the counterplan position it that the evidence on a topic is so complicated and incomplete that an alternative decision making strategy should be employed. In the middle, between the mundane and the complex, are those issues that a decision maker would decide could reasonably be explored in a debate. A judge should seek out those disputes that are best resolved by a middle ground decision proceedure and dismiss as inappropriate those that are best dealt with using an extreme decision making strategy.

The two preceding arguments have suggested that the development of a theory of when a policy maker should "decide to decide" would place additional burdens on the affirmative team. A development of the theory may also aid in the broadening of the topic in other areas. One frequent topicality argument is that certain definitions would broaden the resolution to the point that there are no limits to discussion. By providing other limits to discussion, the requirement that the decision asked of the judge be meritous would eliminate many of the "unlimited" cases that broad definitions would permit, and thus would allow for broader topics. Since the standards for what decisions are worth making would grow stricter the greater the number of possible cases that are in the jurisdiction of the judge, a broad (or even unlimited) definition would not increase the number of decisions that a judge would deem meritous any more than a narrow definition.[29] It is possible that, with the requirement that an affirmative team justify the need for making its decision over competing decisions, even if there were no topic, there could be limits to debate cases.[30] Indeed, this type of decision making is made at Student Congresses and by extemp speakers all the time; the emphasis is placed on being familiar with the major issues discussed in the media, not with just analyzing only one social problem. As the jurisdiction of the decision maker increases, the decision maker is forced to ignore or minimize decisions that would be made in more detail if his/her jurisdiction were limited.

Before a decision maker chooses to decide on an issue of controversy, two things should be established. First, the decision maker should be shown to be within his/her jurisdiction. Second, the decision should have merit in comparison to the other choices that the decision maker is faced with. This second decision will determine both whether any decision at all should be made and also the type of decision making strategy that should be utilized by the decision maker. In debate, this both places additional burdens on the affirmative team and also allows for broad and even unlimited topics to be limited. This limit on what a judge should hear may be difficult to accept. Even in law, "the romantic notion that the Supreme Court sits 'to do justice' in every case potentially within its jurisdiction dies hard",[31] but no policy maker can afford to devote the time required to make a comprehensive decision on every decision faced. Instead, a wise decision maker sets up priorities and decides what decisions are important and which decisions can be slighted or avoided. It is time for the debate community to develop similar standards for the determination of which cases are meritous of debate.

NOTES

[1] Fowler V. Harper and Alan S. Rosenthal, "What the Supreme Court Did Not Do in the 1949 Term - An Appraisal of Certiorari," University of Pennsylvania Law Review, 99 (1950), 294, and Robert W. Gibbs, "Certiorari: Its Diagnosis and Cure," Hastings Law Journal, 6 (1955), 131-132.

[2] Gibbs, p. 131.

[3] Daniel J. Sears, "Certiorari Review in the United States Supreme Court," Colorado Lawyer, 9 (1980), 677, and Bob Woodward and Scott Armstrong, The Bretheren (New York: Simon and Schuster, 1979), p. 2.

[4] Harper and Rosenthal, p. 304.

[5] Fowler V. Harper and Edwin D. Etherington, "What the Supreme Court Did Not Do During the 1950 Term," University of Pennsylvania Law Review, 100 (1951), 354.

[6] E. Barrett Prettyman, Jr., "Opposing Certiorari in the United States Supreme Court," Virginia Law Review, 61 (1975), 200.

[7] Report of the Study Group on the Caseload of the Supreme Court," Federal Rules Decisions, 57 (1973), 578.

[8] U.S. Supreme Court Rule 19, 28 United States Code Annotated.

[9] Ibid.

[10] Gibbs, p. 139.

[11] See Harper and Rosenthal; Harper and Etherington; Fowler V. Harper and George C. Pratt, "What the Supreme Court Did Not Do During the 1951 Term," University of Pennsylvania Law Review, 101 (1953), 439-479; Fowler V. Harper and Arnold Leibowitz, "What the Supreme Court Did Not Do During the 1952 Term," University of Pennsylvania Law Review, 102 (1954), 427-463; and Herbert Wechsler, "Toward Neutral Principles of Constitutional Law," Harvard Law Review, 73 (1959), 1-35.

[12] See Prettyman, pp. 197-209; Gibbs, pp. 131-170; and Peter Linzer, "The Meaning of Certiorari Denials," Columbia Law Review, 79 (1979), 1227-1305.

[13] Prettyman, pp. 206-207.

[14] Gibbs, p. 152.

[15] Ibid., p. 154, and Prettyman, p. 205.

[17] Prettyman, p. 202. See also Stephen W. Earp. "Sovereign Immunity in the Supreme Court: Using the Certiorari Process to Avoid Decisionmaking," *Virginia Journal of International Law*, 16 (1976), 912.

[18] Linzer, p. 1227, and Harper and Rosenthal, pp. 297-298. Linzer suggests, however, that while theoretically the denial of certiorari says nothing about the merits of the case, in actuality it may become an indicator of how the Supreme Court will react to the merits of the case.

[19] See Herbert J. Gans, *Deciding What's News* (New York: Vintage Books, 1980).

[20] Chaim Eyal, Jim Winter, and Maxwell McCombs, "The Agenda-Setting Role of Mass Communication," in *Readings in Mass Communication*, Fourth Edition, edited by Michael Emery and Ted Curtis Smythe (Dubuque, Iowa: William C. Brown Company Publishers, 1980), pp. 15-20.

[21] Yoram Friedman and Eli Segev, "The Decision to Decide," *Journal of Management Studies*, 14 (1977), 159.

[22] Thomas S. Kuhn, *The Structure of Scientific Revolutions* (Chicago: University of Chicago Press, 1962), p. 25.

[23] *Ibid*., p. 37.

[24] See Lou Buchan, *Unpublished Heritage: The Politics of Selection* (New York: Pergamon Press, in press).

[25] Sometimes, however, seemingly unimportant decisions can have important consequences: "A study of the 'Anti-bacterial Substance in Filtrates of Broth'resulted in the first workable penicellin. Out of a project called, 'Sex life of the Screwworm' came the eradication of a parasite that was destroying millions of dollars' worth of cattle every year." (Robert A. Barr, "U.S. Research Grants: Butt of Fun and Fury," *U.S. News & World Report*, December 17, 1979, p. 82.

[26] See Lee Roy Beach and Terence R. Mitchell, "A Contingency Model for the Selection of Decision Strategies," *Academy of Management Review*, 3 (1978), 439-449.

[27] See Roy Rowan, "Those Business Hunches Are More than Blind Faith," *Fortune*, April 23, 1979, pp. 110-113; Thomas S. Isaack, "Intuition: An Ignored Dimention of Management," *Academy of Management Review*, 3 (1978) 917-922; Joseph C. Hutcheson, "The Judgement Intuitive: The Function of the 'Hunch' in Judicial Decision," *Cornell Law Quarterly*, 14 (1929), 274-288; and Joseph C. Hutcheson, "Epilogue," *Yale Law Journal*, 71 (1961), 277-278.

[28] See Irving Janis and Leon Mann, Decision Making (New York: Free Press, 1977), especially chapters 2 and 3.

[29] This paradox is best explained by noting that the number of decisions any person can make is limited by their ability to absorb information. As the potential number of decisions increases, more decisions will be made by intuition or delegation of decision making authority. Thus, while an assembly line worker may think that the decision of how to hold a tool is important to him/her, since an executive in charge of the plant has many more pressing decisions to make, that decision would be unimportant. Similarly, a decision that is vital to a local official may not warrant the attention of the President of the United States. Beyond a certain point, the broader the jurisdiction of an individual, the fewer the number of decisions requiring debate are made (since more time is taken up by delegating decisions).

[30] Ronnie Bankston, "The Case for No Topic," unpublished paper, University of Houston, July 10, 1974.

[31] Felix Frankfurter and Henry M. Hart, Jr., "The Business of the Supreme Court at October Term, 1933," Harvard Law Review, 48 (1934), 264.

SIGNIFICANCE IN ACADEMIC DEBATE

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Attempts to attach a meaning to the term "significant" are not unique to academic debate. *Follert's Guide To Common English Usage*, for example, refuses to define "significant." Rather, in directing the reader to "meaningful," the editors admonish that. "Many of the comparably recentful words call undue attention to themselves as improvisations. . . .Perhaps the most common is meaningful, a product of feeling that significant has been overused. . . Note that meaningful when applied to most intellectual experiences and to nearly all understandable statements, adds little more than feeble emphasis. . . .Significant is, or should be, similarly restricted.[1] In attacking metaphysics, A. J. Ayer presented a verifiability criteria, central to which was the notion of significance. "We can say that a sentence is factually significant to any given person." Ayer wrote, "if, and only if he knows how to verify the proposition as being true, or reject it as being fast."[2] Although attempting to define significance in a non-presuppositon-laden environment, Rorty reports Ayer's failure. "The 'logic' of *Language, Truth and Logic* and *The Logical Syntax of Language* was far from presuppositionless. It appeared to be only to those who were antecedently convinced of the results of its application, and thus were prepared to accept persuasively loaded definitions of 'logic,' significance, and similar terms."[3] Ayer's difficulty, and one which similarly troubles academic debate is the assumption of relatively context-free and issue independent notions of significance. This essay will present arguments such a trap should be avoided by academic debate.

The experience of others should help to provide guidance in our own attempts to investigate the nature of significance in academic debate. Rather than searching like Ayer for an assumed presuppositionless notion of significance, this essay will attempt to focus upon the need to amplify the suppositions of concepts like significance. To do so, the essay will focus upon two rather general propositions. First, decision rules, as well as arguments concerning the appropriateness of particular decision rules, are a proper, if not necessary focus for academic debate. Second, decision rules about the perspectives for significance in academic debate provide a useful case study for rule/perspective related arguments.

The application of rule related notions to academic debate is not a particularly new act. Lichtman and Rohrer, for example, go to great lengths in establishing the importance of decision rules to the decision making behaviors of the debate judge. They write:

> Decision rules . . . not only tell the judge which policy to select at the end of the argument, but also inform the advocates of their responsibilities in the debate. Without knowledge of the decision rules their judges apply, debaters would not know the conditions they must fulfill in order to win the debate.[4]

Adopting the game comparison in discussing academic debate, Willard observes that rule adaptation is at the heart of a series of criticisms about academic debate:

> The theoretical assumptions of the critic, then, are of decisive importance both to the quality of the game, and to its outcome. It seems reasonable to assume that the disputants, as they seek 'winning' strategies, will constantly attempt to broaden the parameters within which they maneuver. . . If the game analogy is correct, the blame for most of the pernicious recent developments rests squarely with the critics who operationalize the rules of the game in its day to day conduct. . . .[5]

What has not been operationalized has been the explication of what is or could be meant by the notion of "rule" within the content of academic debate. Moreover, what has not been made explicit has been some directions for and means by which reason giving activities can be applied to rules used by the disputants. Such will be at least begun within this initial section of the present essay. This will follow two steps. First, some general concepts of rules will be considered, indicating some of the potential benefits and hazards of such approaches. Within this step, we will explicate some argument related rules, in large part derived from the work of Gidon Gottleib. Second, we will consider the appropriateness of applying more general notions of rules to decision related rules--disputes which are becoming the center of academic debate.

It may well be that a search for arguments about rules is an exercise in futility. Rather than make more explicit the nature of judgments by critics in a debate, a rule approach (or at least an approach to debate which emphasizes arguments about rules) may make judgments more difficult to fathom. Critics have argued that discussions about rules ultimately may be determined by discretion. Discussing the application of rules to the discussion of law, Hart and Honore cite the view of Green, who was reported to have:

> linked his views on particular topic of causation to a quite general theory of the illusory character of legal rules and a general demonstration of the futility of the

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> attempt to make 'work schemes' do in advance what can only be done by the exercise of judgment in particular cases. At the best, 'rules will carry [judges] into the neighborhood of the problem and then [they] must get off and walk.'[6]

Even if such were the case, the present essay would still be justified. First, it would be of value to address rules in a more specific fashion, rather than simply assuming common meaning among all users of the term in the literature of academic debate. Moreover, to generate alternate means of testing the legitimacy of particular rules, or even to indicate precise limits to which rules cannot be applied, would be of value to academic debate. The present work posts the belief that debate must either discuss ways in which rules may be argued, or it should abandon claims that such rules may be the basis of argument outside of contexts such as the present one.

Notions of rules appear in a wide variety of academic endeavors. Lindblom, discussing policymaking, writes that "rules specify what each participant in policymaking can and cannot do. as well as what he must do, whom he must obey, and whom (if anyone) he can command.[7] Rules have been viewed by some as central to the understanding of the ways in which individuals carry on ordinary conversations.[8] Hymes observes that "The term rule has become a normal idiom in linguistics in the last generation, especially due to the work of Noam Chomsky."[9] Gottleib notes that ". . . rules are relied upon and used in a very wide range of fields: Language, law, ethics, games and logic, to mention but a few."[10] Ulrich has implied that discussions about decision rules should be a focal point of academic debate.

> "An implication of this neutrality [associated with the tabularasa approach to judging debates] is that the judge should require teams to initiate and justify theoretical arguments and that in the absence of theoretical arguments, the judge should impose only a bare minimum of decision rules, and these rules should be formulated in a way that they apply to a large number of debates and do not favor one team over another.[11]

Shimanoff has recently completed a rather extensive work on the nature of rules, from which some of the following discussin is derived. Amending slightly Shimanoff's definition of rule, a rule may be viewed as a followable prescription that indicates what behavior is or inference is obligated, preferred, or prohibited in certain contexts.[12] Adapting the view of rules outlined from Gottleib, several components of rules can be outlined. According to Gottleib, "the principle components are:

> 1. An indication of the circumstances in which the rule is applicable.

2. An indication of that which ought, or may, or must be, concluded or decided.

3. An indication of the type of inference contemplated, whether under the rule it is permitted, required, or prohibited.

4. An indication that the statement is indeed designed to function as a rule or inference warrant.[13]

There is some sense to Shimanoff's suggestion of revision of this schema, so as to change permitted in component 3 to read preferred, and to delete component 4 (being little more than a restatement of 3).[14] Several other components of Shimanoff's work are profitably amplified. first, it is important to note the critical nature of context. Gottleib, for example observes:

> The presupposition of context inherent in the concept of rule thus throws light on what is meant by the 'applicable rule.' It indicates that rules should be used only in circumstances which happen to correspond to the context for which they are designed . . . to use them in other contexts, in the name of fidelity to rules, is a gross misconception of their functions.[15]

A second notion of rules which appropriately applies to academic debate, as well as many other circumstances is the form of a rule. The form of a rule may be written in an if/then form, with the if clause stating the scope of the rule, and the then clause specifying the behavior prescribed by the rule and the nature of the precription.[16] Any statement that cannot be so restated cannot function as a rule, as it will fail as a tool for guiding the drawing of inferences.[17]

The final dimenson of rule definition which bears scrutiny here is the notion that a rule indicates a preferred, obligated, or prohibited behavior or inference. With the exception of choosing a winner and a loser in a debate, observable decision related behaviors by a critic are limited in an academic debate. Lichman and Rohrer make such a point when they observe: "Decision rules govern only the final choice between policy systems after their relative merits have been determined. These rules have no bearing on the individual issues of a debate."[18] That inferences are within the legitimate domain of rules seems necessary for several reasons. First, while behavior is the domain to which Shimanoff limits communicatin rules (according to Shimanoff "It is not possible to monitor thoughts, except by observing behavior, and it would be impossible to enforce rules (impose sanctions) about cognitions. Therefore it is vacuous to speak of rules prescribing behavior.")[19] She does allow for some exceptions. For example, she notes that rules "may be utilized in making mental evaluations, inferences, judgments, and interpretations of behavior. . . ."[20] Second, there is some indication that rules are certainly apropriate for the basis of inferences, which may serve as the basis for other behaviors. As should be clear, the choice of voting for one set of advocates or another within an academic debate serves as such a final behavior. Finally, to prescribe a particular cognition does not forbid it any more than the prescription of a behavior will prevent that behavior from occurring. Indeed, that the behaviors upon which the inference is made can be observed serves the purposes of monitoring as well as enforcing the cognition itself. We are left with a view of rule similar to that of Gottleib: "rules . . . are devices for the guidance of mental process of inference . . . leading to decisions, actions, attitudes, judgments, choices, conclusions, and the like."[21] To recapitulate, a rule prescribes procedures to be followed under certain circumstances, be those procedures, inferences, or specified behavior. Such a prescription is capable of being written in an "if-then" form, with the if phrase establishing the conditions for prescription, and the then phrase stating the nature of prescription. What is essential to the present discussion is the view that rules can be the subject of argument, as well as the basis for drawing inferences in other argumentative situations. Although the nature of argument about competing rules is not well established, several possible sources of argument for debate in this area seem promising. First, advocates can argue about the context of the rule. Since context is important, disputes which are concerned with definitions of that context may be one place where rule disputes could occur. For example, the application of a policymaking perspective, and with it all of the implications of debate as a comparison of policy systems, would be appropriate only if the argumentative context was in fact a question of legislative policy. Calls for affirmation of certain constitutional rights would be an illustration of a case where the legislative policy context may not be appropriate. It is the judicial decision maker, rather than the legislative one who is generally concerned with judgments about the consistency of laws with constitutional principles. While weighing of costs and benefits of certain changes may in fact operate in a judicial setting, rulings more often take the form of a judgment that *x* is or is not consistent with certain consitutional principles, and hence decision *y* should be reached. The point here is that the generally accepted policymaking perspective is a context bound set of rules--or at least ought to be and as such can be the center of one set of arguments about rules.[22]

There are three other steps which hold promise for being the focal point of argument about rules in academic debate. These are arguments about the statement of rules, arguments about the basis of rule application in the cases of rule conflict, and statements about implications of rule application.[23]

The first step, potential arguments about the statement of a rule, seem likely sources of argument. Whately's *Elements of*

Rhetoric has generally served as the basis of one of the more traditional rules in modern academic debate, namely, that "There is a presumption in favor of every existing institution."[24] In the form of rules discussed in the present context, such a rule may be transformed into a statement like "If an advocate defends institutions, then that position will stand until competing advocates present good reasons to change that institution." Unfortunately for the debate community, the more general nature of Whately's work on burden of proof and presumption were not considered in texts on argumentation and debate. If that had been the case, it would have been clear earlier of the importance of rule statement in more complete form. For example, Whately argued that there was a presumption in favor of existing institutions, *unless* it were the case that existing institutions restricted freedom.[25] In that case, there would be a presumption against existing institutions. There is a presumption in favor of existing institutions, according to Whately, unless those existing institutions supported some paradox. In that case, the advocates of those existing institutions may be unable to lay claim to presumption.[26] In short, the complete statement of a rule, and counterclaims about the correctness of that restatement provide a potential area for argument.

Closely associated with the statement of the rule are statement of the basis for the application of a rule. That such applications are potentially subjected to argument is suggested by Kline. Writing in the context of Habermas' work on communication and the evolution of society, she observes:

> . . . the specific stock issues to be negotiated in any communicative event are a product of the structure of the event itself, and involve both universal context invariant claims to validity, and event conditions for successful performance of a particular speech act.[27]

While referring to the negotiation of propositions within the context of every day conversation, Kline's notion of negotiation of stock issues, in part based upon the structure of a particular event makes sense when applied to debate context. Dworkin, in discussing competing rules in the law, provides some illustrations of argument which would focus upon the bases for the application of a rule at a particular time.

> If two rules conflict, one of them cannot be a valid rule. The decision as to which is valid, and which must be abandoned or recast, must be made by appealing to considerations beyond the rules themselves. A legal system might regulate such conflicts by other rules, which prefer the rule enacted by the higher authority, or the rule enacted later, or the more specific rule, or something of that sort. A legal system may also prefer the rule supported by the more important legal principle.[28]

The argument here is not that rules should be established to regulate such conflicts over rules, as is suggested by Dworkin. Rather the suggestion here is that by appealing to the basis for the application of a particular rule, the acceptance or rejection of that rule may be evaluated. A recent Final Round of the Natinal Debate Tournament, and a dispute about the nature of counterwarrants provides an illustration of a rule based argument concerned with a discussion of bases of rule application. One set of advocates suggesting that the truth statement of the resolution was to be proven inductively by presenting examples of that resolution argued that several illustrations of the resolution would be necessary for that resolution to be judged probably true. The other set of advocates rejected the notion that the basis for rules about the resolution should be drawn from writings about "logical fallacies." Rather, they argued that the proposition served the function of establishing jurisdiction for advocates--the parameters within which disputes may take place. Thus they argued that although Congress could pass bad laws, we should not remove from Congress the jurisdiction to pass all laws.[29] Appeals to the basis for rule application, then provides another fruitful area from which to search for rules and arguments about rules. it indicates by example that there are some rather large areas where arguments about rules could serve as productive additions to academic debate. Second, it suggests that rules which are used for guidance in decision can become more closely related to rules which are used to justify a decision. The distinction between these two notions was drawn by Gottleib.

> A rule of justification legitimates certain 'moves' in the sense that questions about the legitimacy of these moves can be answered by reference to the rule. It does not mean, however, that the moves were made in reliance on such rules. Rules of justification can, therefore, sometimes provide a cloak which conceals the effective grounds for a decision.[32]

When rules are the subject of argument, the judge is more likely to refer to those rules as a basis for decision. This is compared with debates in which rules are not argued. Certainly, judges will utilize rules in guiding his/her decision. But such rules may not be the same as those which are presented to justify a decision may make interpretation of the evaluation difficult if not impossible. For all of its gossipy tendencies, *The Brethern* is an important work for the general reader because it provides both guidance and justification rules for Supreme Court Justices.

To summarize this section of the present essay, rules can be useful sources of argument in academic debate. Advocates may seek certain strategies for ascertaining the most likely areas for such arguments. To make explicit the rules upon which argments turn provides a linkage for critics between the reason they use as guidance for a decision, and reasons which are presented as the basis for decisions. To the extent that both advocates and critics make such arguments central to debate, then rules of guidance and rules of justification are made more isomorphic. Greater assurance of the statement of rules upon which judgments are made provides greater guidance for advocates searching for such rules in future argumentative settings.

The second section of this essay considers in some detail the concept of significance. This concept was chosen since it is a term without any clear and simple meaning. As a result, disputes, or at least differences, in meaning have been articulated by various critics. From this information, we can draw some conclusions about the nature of rule based disputes.[33]

For the sake of the present essay, three general notions of significance, as well as some potential areas of dispute with these notions are presented. This list is not meant to be exhaustive. It is rather an effort to establish that arguments about rules are not new; that they have existed among critics for some time, and provide the grounds for such disputes within the context of an academic debate.

The first notion of significance is one which views significance as a general affirmative burden--that all affirmatives are obligated to present a compelling need to justify change. Gross, for example, writes that "The affirmative has the burden of establishing a significant reason for change."[34] Perhaps the general traditional view of significance has been attributed to Kruger, viewing the affirmative advocate as being responsible for establishing a "compelling need." In response to this position, Newman argued that it does not reflect realistic considerations about the nature of change. In general, the nature of Newman's argument with Kruger is one which views Kruger's context for discussing the necessity for a compelling need--the judiciary--an inappropriate context for disputes about public policy. As Newman writes:

> "The negative might say that compared to the cost of the affirmative plan, the advantage lacks significance, or it might argue that compared to other goals, the advantage is insignificant. Whatever comparison the negative uses, it should be remembered that if the term is used in the second sense, significance is not an absolute term, but a value-laden comparative term[38]

On the other hand, some concepts of significance can be viewed in more absolute terms. Beyond the absolutism associated with the view of "compelling need," there is also the absolute view that there are some isues which do not merit an hour of discussion or five minutes for that matter. Graham, for example, notes that a substantial difference is a disparity worthy of an hour of discussion."[39] Rather than viewing significance as a comparative notion, this view of significance suggests that there are certain absolute limits below which we will not spend time discussing a matter. Given competing demands upon a policy-maker's time, some issues simply do not merit discussion. "The perceived problem," according to Alapas, "must be sufficently serious to justify the decision-maker's expenditure of time and resources considering his action alternatives."[40]

The third view of significance to be mentioned in this essay is the notion of significance as a function of the risk of change. In large part generated from the system's view of academic debate, this perspective on significance states that the magnitude of the benefit to be associated with an advocated change should be a function of the degree of change needed to obtain such a benefit. According to Lichtman and Rohrer, the major proponents of the view of debate as a comparison of policy systems,

> "The weight of the presumption in favor of the negative varies from debate to debate. It depends upon analysis of the uncertainty resulting from the changes made by the affirmative plan. The greater the weight of presumption."[41]

Snowball states the same view succinctly: "The standard [of significance] is flexible, and related to the degree of change proposed: a greater change requires greater significance in order to be justified."[42]

These examples have general application to the prior discussion of potential methods by which rules could be made the subject of argument. Newman, for example, disputes the appropriateness of context chosen by Kruger in his demand that affirmative present a significant and compelling need. To view the risk of change as the major component in the determination of significance a similar kind of assumption is made. Unless we assume that decision-making necessarily involves the weighing of costs and benefits, the determination of risk becomes a moot point. As indicated previously, the absolutist view of judicial decision-making would only ask that advocates show consistency or lack therof with certain principles--beyond that the risks of change are not relevant. The notion that there are issues that do not merit an hour's discussion presumes that there are ways in which to determine those topics which do so merit discussion--again leaving the advocate in the area of rule comparison and rule based argument. In short, the prior discussions about the concept of significance provide ample sign evidence of the importance of, as well as potential for, arguments about rules to be employed in the evaluation of debate arguments.

This essay has been concerned with the explication of rules about which debates can be decided. It has indicated that argument theorists should be explicit about the meaning they give to the notion of rules. It has further indicated that rules can be the legitimate basis for arguments within academic debates. Finally, it has presented views of significance--the topic of a variety of theoretical debates within debate literature, as illustrative of the kinds of arguments about rules that could occur frequently in debates if encouraged. Rules should be the subject of argument. If this essay precipitates arguments about these rules--that rules should be arguable--then it will have succeeded in its purpose.

FOOTNOTES

[1] Wilson Follert, Modern American Usage, Jacques Barzun, et. al, ed. (New York: HillandWang, 1980), pp. 213-214.

[2] A.J. Ayrs, Language, Truth and Logic (New York, Dover Publications, 1946), p. 35.

[3] Richard Rorty, ed., The Linguistic Turn, (Chicago, The University of Chicago Press, 1967), p. 6.

[4] Lichtman and Rohrer, "The Logic of Policy Dispute," AFA, 16 (Spring, 1980), p. 243.

[5] Charles Arthur Willard, "The Nature and Implications of the Policy Perspective for the Evaluation of Debate, in Advanced Debate, 2nd Edition, Thomas (Skokie: National Textbook, 1979), pp. 439-40.

[6] H. LA. Hart and A. M. Honore, Causation and the Law (Oxford, Carendon Press, 1950), pp. 92-3.

[7] Charles E. Lindblom, The Decision Making Process (Englewood Cliffs: Prentice Hall, 1968), p. 35.

[8] See, for example, H. Paul Grice, "Logic and Conversation," in SYNTAX AND SEMANTICS, vol. 3: Speech Acts, ed. Peter Cole and Jerry Morgan (New York, Academic Press, 1975), pp. 48-51.

[9] Dell Hymes, forward to Shimanoff, Communication Rules, Theory and Research (Beverly Hills, Sage, 1980), p. 15.

[10] Gidon Gottleib, The Logic of Choice (New York, McMillan Company, 1968), p. 11.

[11] Walter Ulrich, "Tabula Rasa As An Approach to the Judging of Debates, Presented at Speech Communication Association Convention, 1978, p. 16. There are some strong similarities between the position advocated here and the position taken by Ulrich. Certainly, there is a general agreement with the perception of rules as the subject of argument in an academic debate. The focus of the present paper upon the explication of the nature and role of rules will, I hope, move away from the pejorative implications of being referred to as a rasa, or a blank slate. The present essay would also take issue with Ulrich's notion of the primacy or neutral decision rules (see Ulrich, p. 14). Without specifically calling into question those illustrations from which Ulrich derives that conclusion, this essay argues tnat

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a rule which was generally accepted by all parties to a dispute, whether giving advantage to one side or another, would be acceptable in evaluating a dispute. This essay will generally expand on making rules explicit, and to providing greater isomorphism between rules of justification and rules of guidance, to borrow from Gottlieb's work. This notion will be amplified elsewhere in this essay.

[12] Shimanoff, p. 57.

[13] Gottleib, p. 39.

[14] Shimanoff, pp. 75-6.

[15] Gottleib, p. 47.

[16] Shimanoff, p. 76.

[17] Gottleib, p. 40.

[18] Lichtman and Rohrer, "The Logic of Policy Choice," 16 Journal of the American Forensic Association (Spring, 1980) p. 245.

[19] Shimanoff, p. 50.

[20] Shimanoff, p. 50.

[21] Gottleib, p. 37.

[22] While largely anecdotal, The Brethern provides an example of rule clashes centering not only on questions of legislative/ judicial content, but on a whole range of rule focused disputes. Bob Woodward and Scott Armstrong, The Brethern (New York: Avon Press, 1979).

[23] I left out of the present discussing arguments about such traditionally unargued concerns as the integrity of evidence. Where Ulrich would imply that this would be a potential inconsistency with the position that rules are arguable, it is rather an admission that certain principles are at the base of all rules, which does not cause much suffering for the premise that rules are largely arguable. See Ulrich, p. 10. Also see R. M. Dworkin, "Is Law a System of Rules?," in Dworkin ed., The Philosophy of Law, (Oxford: Oxford University Press, 1977), pp. 38-65.

[24] Richard Whately. Elements of Rhetoric, Ed, Douglas Ehninger (Carbondale: Southern Illinois University Press, 1969) p. 112.

[25] Whately, p. 113-4.

[26] Whately, p. 124-5.

[27] Susan Kline, "Toward a Contemporary Linguistic Interpretation of the Concept of Stasis," Journal of the American Forensic Association, 16 (Fall, 1979), p. 103.

[28] Dworkin, p. 48.

[29] Final Round, National Debate Tournament, Journal of the American Forensic Association, 71 (Winter, 1980).

[30] G. Thomas Goodnight, "Debate as Communication Process," Paper presented at the Speech Communication Association National Convention, 1979, p. 11.

[31] Thomas J. Hynes, Jr., "Perspectives for Evaluation in Academic Debate," in Allan D. Louden, ed. Foreign Policy: A New Decade (Winston-Salem, N.C.: Debaters Research Guide), 1979, pp. 2-8.

[32] Gottleib, pp. 103-4.

[33] Certainly, there is an association between the concept of significance and the notion of presumption. The burden of proof, as derived from Whately's work, as a product of presumption, e.g., he who must overcome presumption must meet a burden of proof. The weight of such a burden is what has been referred to as a 'significance.' That such a concept can be difficult to 'pin down' is discussed in some detail by Goodnight. "The Liberal and the Conservative Presumptions: On Political Philosophy and the Foundations for Public Argument," Proceedings of the Summer Conference on Argumentation, January, 1980, pp. 304-337.

[34] Bert Gross, Judging Philosophy NDT, 1979, p. 23. In a rather extensive presentation of the traditional view of significance, Klopf and Campra note that the present systems must be 'major.' Donald W. Klopf and Ronald E. Campra, Academic Debate Practiting: Argumentative Theory, 2nd Edition (Denver: Morton Publishing Co., 1979), p. 37.

[35] Robert P. Newman, "The Inherent and Compelling Need," Journal of the American Forensic Association 2 (1965), p. 71.

[36] Thomas Burkholder, NDT Judging Philosophies, 1979, p. 7.

[37] Brock, Klump, et al., "Public Policy Decision-Making," 1973, pp. 130-131.

[38] Graham, p. 22.

[39] Alapas, 1979, p. 1.

[40] Litchman and Rohrer, "The Logic of Policy Dispute," *AFA* 16 (Spring, 1980), pp. 243-44.

[41] Snowball, 1980, p. 69.

COUNTERPLAN COMPETITIVENESS IN THE STOCK ISSUES PARADIGM

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In recent years, for a variety of reasons, the use of counterplans in intercollegiate debate has increased. In spite of this increased use, much controversy and ambiguity remains. The counterplan may be defined as an alternative policy advanced by the Negative team. In employing such a strategy, the Negative is asking the judge to reject the Affirmative plan because of a superior course of action, the counterplan, which should be adopted instead. Research into the duties and requirements of counterplan debating is justified. In 1975, the National Developmental Conference on Forensics posed the following question as one of several topics for research and scholarship: "What are the relationships between current forensics practices and argumentation theory?"[1] In 1977, Solum encouraged further exploration of the argumentative phenomenon known as the counterplan.[2] To that end, this study assesses some of the contemporary research on counterplan theory.

Traditionally, the Negative team has been responsible for demonstrating that the counterplan is not topical, that it is competitive with the Affirmative plan, and that some additive advantage is gained by adopting the counterplan. The scarcity of literature on the subject might lead one to proclaim that we have not much serious criticism of the counterplan.[3] In the early part of this century, O'Neil stressed the importance of "positive inconsistency" or "vital inconsistency" in judging the counterproposal.[4] Later, the degree of change advocated by the Affirmative and Negative plans was used to decide which policy should be enacted.[5] In 1943, F. W. Lambertson referred to the concept of competitiveness by saying that "A counterplan must involve a change of principle from that of the proposition."[6] This same intent was expressed by McBath in 1963, when he argued that the counterplan ". . . must be truly counter. If the counterplan is not truly counter, but merely slightly different, it will be possible for the Affirmative to incorporate that argument in its own proposal."[7] In 1968, Wood specified the duties of the counterplan by stating: "The only legitimate counterplan is one that is very different from the Affirmative's proposal, but nevertheless corrects the same problems. The Affirmative has the right to define the problems, or there would be two different, unrelated debates, with no clash between them."[8] In 1980, Sayer contended that "The counterplan must compete directly with the components, objectives, and goals of the Affirmative plan. It must be in the ring with the Affirmative plan, competing for policy adoption."[9] Freeley, in 1981, claims that the counterplan must be "inconsistent with the resolution."[10] These texts provide at least a glimpse of the traditional requirements of the counterplan.

Perhaps the contemporary landmark in counterplan research is an article by Allan J. Lichtman and Daniel M. Rohrer, entitled "A General Theory of the Counterplan."[11] Since its publication, the standards described in the article have become generally accepted by the debate community. In the final round of the 1980 National Debate Tournament (Northwestern, Affirmative vs. Harvard, Negative), both sides agree that the Lichtman and Rohrer criteria should be the standard for evaluating counterplan competitiveness.[12] In addition, four of the five judges of that final round mention the criteria in their written critiques of the round.[13] While the Lichtman and Rohrer standards are well-suited for counterplan debates according to a policy-making paradigm, those standards are not necessarily well-suited for such debates according to different paradigms. This essay seeks not to refute or discredit the Lichtman and Rohrer model, but rather seeks to answer some of the criticism lodged against other paradigms.

Lichtman and Rohrer observe that debate has become closely aligned with new methods of public policy analysis. They argue that a need exists for synthesizing traditional theory and the techniques for the analysis of public policy. This need exists because traditional theories based on problem and solution are confusing and restrictive and should be replaced with decision theory for the analysis of policy proposals.[14]

Lichtman and Rohrer state that "Resolutions of policy require competing advocates to debate the suggested adoption of a policy or plan of action."[15] The assumption that all debate is analysis of policy is not entirely valid. Although educational debate may employ propositions of policy, other paradigms or models of viewing the activity should be considered. The term forensics itself, meaning related to the law or courts, indicates some association with the legal paradigm. The notion that academic debate is concerned with both legal and policy issues merits further investigation. Nebergall suggests: "The idea of a counterplan exists in both legal and legislative situations, but the purpose of the counterplan and its desired result are not the same in both areas."[16] Which, then, is the proper guide for assessing the duties of the counterplan? Possibly neither model may adequately describe the actions available to a decision-maker. It is possible to examine the shortcomings of the policy model through a specific example. Suppose a bill is introduced in a legislature calling for a specific course of action. Some of the opponents of that bill introduce a substitute bill calling for a different course of action. Conceivably, there exists a third group of legislators who favor neither bill. Hence, when the original bill is considered, those in the third group may argue and vote against that bill. Similarly, they may argue and vote against the substitute bill. By taking such action a legislator is simply voting to reject both proposals. Among the strategies available to legislators who oppose a bill is the device of simply arguing and voting against the bill. It is acceptable to reject the advocate's proposal on the basis of presumption. Thus in a policy-making setting, the decision-maker has the option of voting for the original bill (the Affirmative plan), the substitute bill (the Negative counterplan), or neither bill. Judges in debate do not enjoy this range of options; the decision must be awarded to one of the two teams.[17]

The legal model suffers as well. A courtroom example illustrates the deficiency. Suppose that Mr. Jones, the defendant, is on trial for committing a murder. The decision-maker must find Mr. Jones either guilty or not guilty. If, in his defense, Mr. Jones proves that Mr. Smith committed the crime instead, Mr. Smith is not convicted, but Mr. Jones is acquitted. Nebergall illustrates the difficulty in this model by noting that courts are concerned with questions of fact, and debates are usually concerned with questions of policy:

> An alleged fact can be disproven simply by showing that a contradictory fact is true. However, a policy cannot be shown to be a bad policy by proving that another policy is a good one.[18]

The above analysis exemplifies the difficulty in choosing any one paradigm and defending it as the only way of viewing academic debate.

Traditional Theory

In analyzing traditional counterplan theory, Lichtman and Rohrer claim that the Negative counterplan assumes the validity of the Affirmative problems, but denies the superiority of the Affirmative plan.[19] Actually, the Negative need not concede the entire Affirmative harm area. The Negative may admit the existence of a problem, but may still clash by arguing that the Affirmative has not accurately described the nature of the problem. In employing this strategy, the Negative has the option of denying the Affirmative analysis of harm, redefining the need for change within the Affirmative-chosen area, and presenting a counterplan to alleviate the redefined need.

The authors argue that stock issues analysis is of little use for the debater in the era of policy analysis based on comparative advantage and criteria cases.[20] This is true, they claim, because such cases obscure the distinction among the stock issues. The distinctions may, in some instances, be unclear, but this lack of clarity is not the fault of the model. Affirmatives may still claim a comparative advantage by assuming the burden of presenting a case with sufficient warrant and backing to justify changing the present system. Such a case would include: demonstration of a significant need for change, presentation of reasons for the absence of change in the present system, a specific plan by which the needed change is to be accomplished, and demonstration of plan efficacy in diminishing the harm. In satisfying these requirements the Affirmative will have demonstrated significance, inherency, and plan solvency. These elements provide justification for change and are very compatible with the comparative advantage format.

Lichtman and Rohrer conclude that conventional theory needlessly restricts the counterplan options to only those which solve the Affirmative need.[21] This criticism need not be true if the Negative decides to reanalyze the Affirmative need area, as described above. However, even if the criticism is true, it is not necessarily bad. Affirmative teams should have the right and the responsibility to define and limit the resolution. Time constraints prevent full inquiry and advocacy into every aspect of the resolution. As long as the Affirmative limitation is reasonable, Negative teams should be encouraged to analyze the interpretation of the resolution as specified by the Affirmative. Of course additional issues, such as disadvantages to the Affirmative plan, should be introduced by the Negative, but those attacks should be centered around the Affirmative's rationale for change.

Debate as a Comparison of Policy Systems

Lichtman and Rohrer explain that the conventional theory focus on problem and solution is defective because such a focus prevents envisioning the full range of alternative policy actions and does not provide criteria for choosing among options.[22] They urge the use of policy systems analysis which entails selecting the best policy from the range of available options. They suggest the selection be made through use of decision theory, which dictates that a policy proposal can be tested only by a comparison with alternative policies.[23] It is not the intent of this writer to suggest that policy systems analysis based on decision theory is wrong. However, there are other ways of viewing the debate activity; ways which may be equally correct. Negative teams need not be compelled to advocate any specific policy option. If the Negative defeats the Affirmative's harm area or demonstrates that the Affirmative plan will be circumvented, for example, then the judge should vote Negative because the Affirmative has failed to demonstrate need or workability of the desired change. The criteria of significance, inherency, solvency, and disadvantage provide clear standards for evaluation of the Affirmative arguments. In addition, other models may provide equally clear criteria. Patterson contends, ". . . it is conceivable that a Negative team forced to defend a 'policy option' may not be able to argue the real or strongest reasons why the resolution should be rejected."[24] Analysis of policy systems may satisfy the needs of some, but different models may provide that same satisfaction to others.

The authors suggest that Negative teams must not only deny the Affirmative, but that Negative teams must advocate and defend some alternative to the Affirmative. Brock, Chesebro, Cragan, and Klumpp agree when they state:

> If the Negative does not defend a definite system, it has no definite effects which it can weigh against the common goals; thus, if the negative is really forced into

> comparing plans it loses by default. . . . Defense of the status quo is awkward, unless the negative specifies precisely what is meant by status quo and defends this system. Counterproposal becomes more acceptable, because this stand represents a comparison of systems.[25]

The contention of this writer is that straight refutation is a viable Negative strategy. In answering Brock, et al., Dudczak argues:

> Policy theorists have based their rejection of direct refutation as a viable strategy upon an assumption about the nature of presumption. It is assumed that a 'process reality' characterizes any system. Since all systems are constantly changing, the nature of presumption shifts from a question of whether change should occur to one which asks 'Which change should be encouraged.' . . . The problem with these assumptions is that they equate a generalized presumption in favor of change with one which favors change in the specific instance. To accept the proposition that change is inevitable is not the same as accepting any specific change.[26]

If presumption is in favor of existing institutions, then by refuting the justification of the Affirmative's specific desired action, the Negative is asking the judge to reject the Affirmative and instead retain a fluid, dynamic, and incremetal status quo. Lichtman and Rohrer reply that this implicit defense of the status quo through straight refutation leaves the strategy open to abuse.[27] Abuse is a possibility in any strategy. Experimentation and modification leading to advances in theory are equally possible. Forcing the Negative to defend a specific policy with regard to the status quo is an unfair requirement. Explicit defense of a status quo forces a Negative to suspend the advance of time and base a defense on structures and actions that have been previously employed. Negatives must be free to urge rejection of the Affirmative plan implicitly call for continuation of the incremental changes which characterize an open system, the status quo. The burden for justifying a specific agent and direction of change must rest with the Affirmative.[28] Brock, et al., are correct that man cannot decide not to change[29], but man also has the capacity to require justification for specific major changes.

In reference to decision theory, Lichtman and Rohrer support the statement that, "A person adopts one alternative rather than another if he believes that the net benefits of the chosen activity exceed the net benefits of any alternative activity."[30] For other paradigms, such a decision rule might be worded as: A person adopts one course of action if the justification for that change is given, and if the benefits of that change outweigh the benefits of rejecting that change. The critical distinction is whether or not a proposed course of action can be examined in isolation. The authors state that a decision to accept or reject the normative statement (the resolution) can only be

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based on comparison with another alternative; one cannot examine the net benefits of an Affirmative plan in isolation. With the reservations given earlier in this essay, it is possible to use the legal paradigm to examine such a normative statement. It is possible, for example, to deny the prosecution's charge of murder without proposing an alternate murderer. The defendant may demonstrate that he was not even in the state where the murder was committed at the time of the act. It is not a question of "Should X or Y be convicted?" It is a question of "Should X be convicted?" If the answer to the second question is no, the normative statement is refuted.

Counterplan Competitiveness

Lichtman and Rohrer state that a legitimate counterplan must not fulfill the resolution and that adoption of the counterplan must be tantamount to rejecting the Affirmative policy and hence the resolution.[31] Subsequent research confirms those two requirements.[32] However, Lichtman and Rohrer argue that it may be possible to adopt both the Affirmative plan and the Negative counterplan and achieve greater benefits than would derive from adoption of the counterplan alone. If such were the case, they argue, the rational decision-maker would adopt both.[33] Debate judges, as rational decision-makers, cannot adopt both. Although the standard of adopting both is supported[34], judges in debate must make a yes or no decision with regard to affirming the resolution.

The authors of a general theory describe a legitimate counterplan according to traditional theory as one which proposes an alternative solution to the harms cited by the Affirmative. They explain that, according to this theory, if the counterplan is more practical and has fewer disadvantages, both the plan and the resolution should be rejected. Their criticism of this theory is that it causes confusion and fails to rule out all non-competitive counterplans.[35] Traditional theory also requires that counterplans be non-topical and competitive. If the Negative solves the Affirmative harm with a topical agent of change, then competitiveness is irrelevant. The counterplan will lose because it is topical.

The first criteria for competitiveness enunciated by Lichtman and Rohrer is mutual exclusivity. They contend, ". . . a counterplan is competitive with an affirmative plan if the two proposals are mutually exclusive."[36] While at first this standard seems reasonable, there are additional requirements which should be placed upon the Negative. The authors claim that a Negative team may claim advantages in any problem area as long as the counterplan is a genuine rival of the Affirmative plan. This privilege to ignore the Affirmative problem area could lead to lack of clash in the debate. The example provided by Lichtman and Rohrer serves to illustrate this claim. They say that an Affirmative plan could call for withdrawal of all American troops from Europe in order to reduce the U.S. balance of payments deficit.

A counterplan which would rival this action would be one in which the Negative calls for supplying U.S. forces in Europe with chemical and biological weapons to provide a credible deterrent against the Soviets. The authors do not specify the wording of the resolution in this example. Suppose the topic read: Resolved: That the United States should enact a comprehensive program to decrease the balance of payments deficit. The Affirmative plan, as an example of the resolution, calls for troop withdrawal from Europe to satisfy the resolution. The Negative counterplan, on the other hand, while satisfying the requirement of mutual exclusivity, fails to justify the rejection of the Affirmative plan. The counterplan may be better than the Affirmative plan but does not specify why the Affirmative rationale for change should be rejected. The first criteria might be reworded to include both mutual exclusivity and clash with the Affirmative problem area.

Lichtman and Rohrer state that, "A counterplan is also competitive with an affirmative plan if simultaneous adoption of both the counterplan and the affirmative plan, though possible, is less desirable than adoption of the counterplan alone."[37] In support of this criteria, they argue that "if the counterplan proves superior to the Affirmative plan then only the counterplan should be adopted."[38] This supporting statement also allows the Negative to avoid clashing with the Affirmative problem area. All the Negative team need do is select a problem area of immense significance and implement a program designed to diminish that significance. Lichtman and Rohrer provide an example of an Affirmative team proposing a plan of national health insurance with a cost of approximately $20 billion. The Negative counterplans with a new weapons system involving similar costs. The Negative defense of competitiveness, they argue, is based on the claim that the economy can afford to allocate $20 billion for either program, but not both. Since the advantages gained by the counterplan are greater, the Negative argues that the counterplan alone should be adopted because of greater net benefits. This criteria assumes that financial resources constitute competitiveness. Solum describes this type of the counterplan as a counter-goal proposal and indicates that it may be inconsistent with the traditional problem-solution approach, but is very consistent with the policy making approach.[39] The question becomes whether to assume that the fiscal constraints which operate in the real world operate in a debate round. Artificial constraints used in debate rounds, such as non-topicality and Affirmative fiat, indicate that the debate round is not necessarily an analog to real world decision-making. If money (or lack of) can constitute competitiveness, then all the Negative need do is to capture the exact same dollars used to finance the Affirmative plan and use those dollars to fund the counterplan which solves a much greater proglem. In doing, the need to clash is diminished.

Conclusions

Lichtman and Rohrer claim that these new criteria will clearly guide the advocates through every argumentative situation. They argue that Negative teams will no longer need to address the same problem area as the Affirmative case.[40] While this may be beneficial to some, there are others who feel that Negatives should address the Affirmative problem area in order to further clash with the Affirmative's rationale for specific change. Lichtman and Rohrer also conclude that this new theory helps decision-makers to discover the full range of policy alternatives for each situation.[41] This writer does not agree that the debate judge seeks to discover such a full range. Debate is ". . . the seeking of reasoned judgment on a proposition."[42] Debate judges affirm or reject resolutions; they do not seek to discover ranges of policy alternatives. The choosing from among many policy alternatives seems to be the proper function of committees or discussion groups, when discussion is defined as the purposeful, systematic, oral exchange of ideas, facts, and opinions among persons pursuing a common goal.

Restricting the debate to a consideration of opposing policies makes certain assumptions that may not be entirely valid. The question being answered in a debate should not be limited to should we adopt the Affirmative or the Negative policy. Instead, we should decide whether or not changing the status quo is justified, and then whether or not we should change to the specific program prescribed in the resolution and the Affirmative plan. Research into competitiveness criteria continues.[43] By asking and answering these types of questions researchers in forensics contribute to the desirable growth of the activity.[44]

NOTES

[1] James H. McBath (ed.), Forensics as Communication: The Argumentative Perspective (Skokie, IL: National Textbook Co., 1975), p. 35.

[2] Lawrence B. Solum, "The Forms of the Counterplan: A Theoretical Investigation and Typology." (Paper delivered at the Western Speech Communication Association Convention, Phoenix, 1977), p. 19.

[3] Solum, p. 6. See also, Annabel Dunham Hagood, "Argumentation Theory--A Crisis in Identity," in Forensics as Communication: The Argumentative Perspective, p. 108.

[4] James Milton O'Neil, A Manual of Debate and Oral Discussion (New York: The Century Co., 1923), p. 44.

[5] James M. O'Neil and James H. McBurney, The Working Principles of Argument (New York: MacMillan, 1932), p. 29.

[6] F. W. Lambertson, "Plan and Counter-plan in a Question of Policy," QJS, 29 (February 1943), p. 51.

[7] James H. McBath, Argumentation and Debate: Principles and Practices (New York: Holt, Rinehart and Winston, Inc., 1963), pp. 115-116.

[8] Roy V. Wood, Strategic Debate (Skokie, IL: National Textbook Co., 1968), p. 124.

[9] James Edward Sayer, Argumentation and Debate: Principles and Applications (Sherman Oaks, CA: Alfred Publishing Co., Inc., 1980), p. 266.

[10] Austin J. Freeley, Argumentation and Debate: Reasoned Decision Making (Belmont, CA: Wadsworth, Inc., 1981), p. 211.

[11] Allan J. Lichtman and Daniel M. Rohrer, "A General Theory of the Counterplan," JAFA, 12 (Fall 1975), pp. 70-79. Hereafter cited as "General Theory."

[12] John K. Boaz (ed.), "1980 National Debate Tournament Final Debate: Should The Federal Government Significantly Strengthen The Regulation Of Mass Media Communication In The United States," JAFA, 17 (Summer 1980), pp. 37, 40, 41, 43.

[13] Boaz, pp. 48-58.

[14] Lichtman and Rohrer, "General Theory," p. 70.

[15] Allan J. Lichtman and Daniel M. Rohrer, "The Logic of Policy Dispute," JAFA, 16 (Spring 1980), p. 237.

[16] Roger Nebergall, "The Negative Counterplan," *Speech Teacher*, 6 (September 1957), p. 217.

[17] See Nebergall, pp. 217-219.

[18] Nebergall, p. 219.

[19] Lichtman and Rohrer, "General Theory," p. 71.

[20] Lichtman and Rohrer, "General Theory," p. 71.

[21] Lichtman and Rohrer, "General Theory," p. 72.

[22] Lichtman and Rohrer, "General Theory," p. 72.

[23] Lichtman and Rohrer, "General Theory," p. 72.

[24] J. W. Patterson, "Controversial Practices in Forensics--Problems and Solutions," in *Forensics as Communication: The Argumentative Perspective*, p. 126.

[25] Bernard L. Brock, James W. Chesebro, John F. Cragan, and James F. Klumpp, *Public Policy Decision-Making: System Analysis and Comparative Advantages Debate* (New York: Harper and Row, Publishers, 1973), p. 160.

[26] Craig A. Dudczak, "Direct Refutation in Propositions of Policy: A Viable Alternative," *JAFA*, 16 (Spring 1980), p. 233.

[27] Allan J. Lichtman and Daniel M. Rohrer, "'A General Theory of the Counterplan' Reaffirmed," *JAFA*, 14 (Spring 1978), p. 236.

[28] See Gary Padgett, in *JAFA*, 17 (Summer 1980), p. 50.

[29] Brock, et al., p. 14.

[30] Lichtman and Rohrer, "General Theory," p. 73.

[31] Lichtman and Rohrer, "General Theory," p. 74.

[32] See Robert J. Branham, "The Counterplan as Disadvantage," *Speaker and Gavel*, 16 (Summer 1979), p. 61.

[33] Lichtman and Rohrer, "General Theory," p. 74.

[34] See Richard Parker, in *JAFA*, 17 (Summer 1980), p. 52, and Walker Smith, in *JAFA*, 17 (Summer 1980), p. 54.

[35] Lichtman and Rohrer, "General Theory," p. 74.

[36] Lichtman and Rohrer, "General Theory," p. 75.

[37] Lichtman and Rohrer, "General Theory," p. 76.

[38] Lichtman and Rohrer, "General Theory," p. 76.

[39] Solum, pp. 17-19.

[40] Lichtman and Rohrer, "General Theory," p. 78.

[41] Lichtman and Rohrer, "General Theory," p. 79.

[42] Freeley, p. 2.

[43] For example, see Branham, pp. 62-63.

[44] The benefits of such research are examined in James H. McBath, Michael Bartanen, and John Gossett, "Research in Forensics: Reviewing 1977," ACA Bulletin, April 1979, pp. 5-9.

ADULT REASONS IN SUPPLICATION:
NONDEBATERS VS. DEBATERS; NONTRADITIONAL VS. TRADITIONAL

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After several millennia of learned comment on reasoning, argumentation, and logic, we find ourselves faced with the curious task of trying to discover what those concepts mean in relation to the practice of communication. There is no need to review or criticize those thoughts of the past, that job has been done. Neither is there any need to suggest that those traditional ideas were necessarily in error. Rather the job today is to adjust scholarly understanding to contemporary communication practices.

In this paper, four issues confronting current students of argumentation will be set forth: (1) What is the typical pattern of elements in unplanned reasoned discourse; (2) To what extent can traditional tests of validity be applied to unplanned reasoned discourse; (3) To what extent does the concept of fields or domain specific perspectives apply to unplanned reasoned discourse; (4) To what extent do trained and untrained reasoners differ in unplanned reasoned discourse.

Having set out the issues, the results of a study which examined debaters and nondebaters reasoning under controlled circumstances will be presented. Finally, in the discussion, the issues will be talked about in relation to the results of the study. No claim is made that these results resolve the issues. They do, however, shed some light on the questions and suggest some avenues for future research.

The significance of the present decade lies in the fact that an enormously difficult task of re-adjusting our intellectual understanding of argument has begun. The gestation has been long and painful. It is now almost twenty years since Toulmin (1964) gave us his analysis of argument and provided a new way of conceptualizing the relationship among elements of arguments. Although his perspective is thoroughly established in argumentation literature today, some of the debate it generated continues to attract attention as in Willard's charge that the Toulmin layout lacks descriptive utility (1976) and Kneupper's reply that it is useful for displaying the functional relationships between the various contexts of a bit of discourse (1978). Hample (1977) still contends, as writers have from the start, that the Toulmin layout is no improvement over the syllogism.

Another issue that pits traditional commitments against contemporary doubts is that of validity. If we cannot rely upon the rules of formal logic to test argumentative quality, on what basis can we perform such an evaluation? Or, to extend the issue, if there is no way in which to test the quality of an argument (used here in the sense of arguments people make rather than those they have) in what way are arguments a distinct linguistic form? Or, more precisely, must arguments take their place alongside all other speech acts as part of the process of communication, or do arguments deserve their traditional place at the top of a hierarchy because they carry with them the power of establishing the authority or truth-value of claims?

We are all familiar with the ways in which the formalists have applied logic rules to the testing of arguments. We also know the ways in which rhetoricians have used formal logic as the paradigm of all argument, even that which properly would be called enthymematic. Toulmin rejected those tests, and offered instead the examination of grounds, warrants, backing, modalities, and rebuttals. Recently, Toulmin, Rieke, and Janik (1979) have made this approach to argumentative criticism more specific. They suggest that the quality of an argument is a function of meeting these expectations:

> --It must be clear just what kind of issues the argument is intended to raise. . . .
>
> --The grounds on which it rests must be relevant to the claim made . . . and must be sufficient to support it.
>
> --The warrant relied on to guarantee this support must be applicable to the case under discussion and must be based on solid backing.
>
> --The modality, or strength, of the resulting claim must be made explicit and the possible rebuttals, or exceptions, must be well understood. (p. 106)

Other writers have talked about validity in various ways. McKerrow (1977) speaks of the role of the audience in rhetorical argument and how it can apply appropriate standards of accepted knowledge in making a judgment. McKerrow (1977) more specifically defines the criteria of rhetorical validity by saying an argument is valid if, and only if, it "serves as a pragmatic justification for the adoption of a belief (p. 135)." He is more concerned with content than form in argumentation. Wenzel (1979) characterizes three ways of viewing argument: process, product, and procedure. Process is the rhetorical view which concerns samples of discourse by naive social actors seeking to persuade some audience, while product exposes the logical approach to making a judgment or establishing standards for sound argument. It is in procedure that Wenzel is most interested, for it reflects a dialectical perspective performing criticism and trying to explain the conditions for candid and critical argumentation. He suggests that the dialectical perspective should probably be central to a conceptualization of argument in that it combines the resources of rhetorical appeal and logical rigor.

McKerrow (1979) tries to dispose of the dispute between viewing argument as either process or product by turning attention toward the various communities--social, philosophical, and personal--in which argument occurs. Essentially, McKerrow is noticing the difference between planned and unplanned argumentation. In social and philosophical arguments, the focus in on carefully planned reasoning within a specialized field. It is in the personal community that unplanned discourse occurs and participants select the criteria upon which they will base and judge reasons.

McKerrow's mention of fields raises a third issue dividing traditional and contemporary views of argumentation. Traditionally, reasoning or argument was deemed to be the same in terms of quality testing and essential form regardless of the subject with which it dealt or the people involved. An utterance was either an argument or not an argument, either sound or unsound, no matter who presented it and to whom.

Toulmin claimed in 1964 that arguments must be examined in relation to the field in which they occur. Rieke and Sillars (1975), and Toulmin, Rieke and Janik (1979) provide illustrations of how arguments vary from field to field. Willard objects to a field oriented view of argument on the grounds that it tends to "depsychologize" the study (1979a). His position (1978; 1979a) is a psychologically based constructivist/interactionist one that aims to study what people have on their minds when they think they are behaving rationally. Burleson (1981) proposes a rapprochement between the Toulmin and Willard views by saying that argumentation should be examined from a domain-specific perspective which suggests that cognitive development proceeds "within distinct subsystem of thought which are structurally independent from other subsystems (p. 142). He observes that while field oriented research is aided by the existence of easily identifiable institutions such as science and law, studies of unplanned reasoned discourse involving, in his terms, the naive social actor, present a more difficult task of identifying the relevant areas of activity that give rise to fields or domains.

The terms "naive social actor" and "unplanned reasoned discourse" suggest a fourth and final issue to be presented here. While it has not been discussed in current literature, the difficult tasks of argumentation scholars in this decade will demand attention to the question of what we mean by planned and unplanned discourse; what we mean by the naive social actor. As far as understanding what reasoning and argumentation are, and how they function in communication situations, we are at a turning point. Traditionally, our studies have been centered upon carefully planned arguments generated by trained individuals. Commentaries on fields of arguments have examined work in science, law, politics, arts, management, and the like. Our data have been specimens of discourse by leaders in these fields which have been prepared in advanced and usually refined prior to presentation or publication. Now, we must learn about reasoning or argumentation that occurs in ordinary social situations where specific and careful planning does not take place and where the participants are not necessarily trained in argumentation.

To do this work, it will be necessary to analyze reasoning situations in which prior planning is controlled sufficiently to be able to say it is essentially unplanned. Further, it will be necessary to see what if any differences there are, in these unplanned situations, between persons trained in argumentation and those who are not.

Clearly, no single study, nor even a decade of studies is likely to resolve these and other issues. But a repertoire of perspectives and methodologies has begun to emerge which promise to begin the job. Balthrop (1979) conceives of argument as an instance of symbolic form, an inherently discursive and linguistic phenomenon. He claims that linguistic knowledge combined with shared public or communal knowledge provide the generating principles of argument. He further asserts that there is a logic to be discovered in ordinary reasoning through analysis of the observable product that will lead to a well formed theory of argument. Jacobs and Jackson (1981) define conversational argument as "disagreement-relevant expansion of speech acts (p. 122)." They say that ordinary language users recognize argument by its function of disagreement management and by its form which is speech act expansion. In their work, they look at specimens of argument that occur in unplanned discourse.

Other writers are proposing more psychologically based studies. Because they are not directly related to the work reported here, they will not be reviewed. But two comments can be made. First, at this stage of our research (better yet, at every stage of research) all perspectives and methodologies should be encouraged and received with an open mind. Second, there may be a complimentarity between the work reported here and more psychologically based ones in the sense that psychologically one asks what do people have on their minds when they think they are doing argument, and this research asks what do people say when they say they are doing reasoning or making arguments.

METHOD

To allow for comparison between adults and children, a reasoning situation was selected containing the same elements as the one with a witch holding a baby animal hostage. At the time of data gathering, the Iranian students were still holding U.S. Embassy personnel hostages and this was similar to the witch and still provided an adult context for reasoning. Since part of the research was to strip away as many of our traditional concepts of reasoning as possible and avoid enforcing them on the subjects, a controlled situation was devised in which the subject totally determined what was said under the context of reasoning.

The methodological problem was simply this: if we listen and tape people talking together and then later analyze the discourse to find what is reasoning, the definitions are ours. We would be overlaying our concept of reasoning on the data. At this first stage of the research, we were determined to avoid that. If the experimenter interacts with the subject so as to induce reasoning, again the results would be highly influenced by what we believe reasoning to be. The goal was to find a way in which the subjects generated what they believed to be reasoning apart from experimental bias.

Furthermore, it is important that the reasoning be unplanned.

The subjects should be generating reasons spontaneously, without specific thought and preparation in advance. Of course, it was impossible to have them speak on a subject totally foreign to them, or on which they had had no prior experience, but the goal was to have the discourse be as spontaneous as possible.

To accomplish these objectives, a controlled situation was set up. Two groups of ten college students, ranging in age from about 20 to 40 were selected. One group came from volunteers in a mass communication class with no experience in forensics, and the other group came from the University of Utah debate squad. All of them were told that volunteers were needed who would talk with a member of the faculty and be tape recorded. When they entered the room, they had no idea that the Iranian hostages would be discussed nor did they have any information that they were participating in a study of reasoning.

They were taken, one at a time, into an office with a tape recorder set up with one other person, an experimenter. The experimenter gave these instructions:

> As you know, Iranian students captured the United States Embassy in Tehran and are holding over fifty of our people hostage. One thing that has not been tried to get the people freed is to have American students talk with the Iranian students. Today we are going to role play. Suppose you have been selected to go to Iran, and I am the leader of the students who organized the seizure of the Embassy and to whom even the Iranian government must come to see if we will support their decisions. Your assignment in this verbal interaction is to get me to agree to release the hostages. Give me any reasons you want to.

Then, assuming the role of the Iranian student, the experimenter said, "I have the hostages and I'm not going to let them go."

For the next five minutes the experimenter interacted only to ask for more reasons or to reject those given. Certainly we were aware that the restricted talk of the experimenter reduced the interactive quality of the experience. In future studies, for which data have already started to come in, we will examine situations of free interaction between two or more subjects. In this study the primary objective was to obtain data on what people say in a situation of supplication, that is, one in which the person to whom the arguments are directed holds a position of strength and is not required by the argumentative situation to justify a point of view.

At the end of five minutes, the experimenter stopped the talk with a closing statement and then asked each subject to comment on what had just been done. They were prompted with the question, "Would you say you were giving reasons, making arguments, negotiating, persuading, coercing, convincing, demanding, pleading, or what?" All subject readily said they were reasoning or giving reasons. Some said they were arguing although most said they tried to avoid "argument" meaning argument$_2$ in the sense O'Keefe (1977) used it. Some also agreed that they were trying to convince, persuade, or negotiate, but there was no consistency in the use of these terms. The clear preference was for the term "reason."

Thus, the methodology worked in the first place to ask the subject to give reasons; in the second place, during the five minute sample, the experimenter regularly asked for more reasons; and, finally, at the end of the sample the subjects universally said they were giving reasons. We conclude that we have sample of what people say when they say they are giving reasons.

The twenty five-minute samples from the two groups were transcribed and coded according to categories originally developed in work with children and then refined several times to accommodate additions made by adults.[1] A coding manual was prepared showing categories, subcategories, and their definitions. These definitions are presented in the companion paper by Willbrand.

RESULTS

The first issue questions the relationship of elements within unplanned reasoned discourse. An examination of the twenty transcripts immediately reveals the fact that traditional reasoning patterns were devised to allow criticism of planned discourse and they do not help as much in the lay out of the elements in unplanned reasoning. The conversational style of the transcripts does not lend itself to the orderly presentation of premises and conclusions. Subjects repeat themselves, switch from point to point quickly and without transition, they intersperse questions both rhetorical and specific, they do not identify assertions of grounds, warrants, backing, or modalities, and they do not restrict themselves to what would ordinarily be called reasoning.

For example, both debaters and nondebaters freely employed threats and bribes which typically are not perceived as reasoning. As might be expected, they used authority without specific citations and not so much as evidence for assertions as to signal some power source. The arguments tended to be fragmented as in a series of simple assertions rather than strings of propositions which culminated in the support of a major claim. Look at two examples:

> Marcus (debater)[2]:
>
> Uh, don't you think it would be better for your country to try and reestablish relationship with countries such as the, as powerful as the United States? And to, um, notice that as long as you've had the hostages you've gotten no real benefits from this. Don't you think it would be better to try and reestablish relations by releasing the hostages? Because your country needs

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[1] The assistance of Tom Walker, Clark Olson, and Renee Zundel was invaluable in doing the transcribing and coding.

[2] The name "Marcus" and all others used is fictitious and was assigned arbitrarily merely as a means of distinguishing one from another.

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some help; um, a lot of poverty. You're very underdeveloped. Um, holding the hostages doesn't put you in good stands with, uh, any other countries that are allied with the United States.

Florence (nondebater):

Are you getting anywhere? What have you gained? Okay, it's been a long time, right? Since you had 'em. Well have you gained? Have you made any really big strides in having 'em? Maybe there's another way you could do it that you could, uh, perhaps move faster 'n get more what you want. Well, um, the Americans are stubborn. Perhaps. . . Maybe if you had some kind of . . . But then they're also open minded. If you had some kind of a diplomatic relation maybe that would help. I mean, if you opened up diplomatic relations a little bit 'n decide to maybe negotiate the hostages.

Criticism of these arguments using established patterns is difficult, though not impossible. Operating from a formal logic model would require so much manipulation as to lose the original structure. Analysis using the Toulmin model is easier and involves less distortion. It is possible to identify grounds, warrants, backing, and claims, and see their relationship, without disfiguring the original. The spread of utterances across our category system, with frequent use of power authority, bribes, social pressure, and self interest suggests the need to consider whether or not other element labels may be needed. The heavy use of burden switching as a frequent element in unplanned reasoning seems clearly to demand some new patterns of analysis.

The second issue questioned established tests of validity in relation to unplanned reasoning. Here, again, the formal logic model seems to be of little use. Logical structure of premises or contentions is infrequent. Documentation or formal evidence is absent. The colloquial nature of the discourse makes tests of consistency difficult. On the other hand, the Toulmin pattern can be more easily applied. One can ask if the kind of issue raised is made clear, whether the grounds are relevant to the claim and provide sufficient support. The warrant used can be checked for its ability to authorize the movement from ground to claim and backing can be examined. In these data, we did not find indications of the modality or strength of the claim and speakers tended not to identify any rebuttals. Two more examples may illustrate.

Felina (debater):

I don't think that you're going to accomplish the means that you intend to by taking us hostage. And, I strongly feel that this could go on for quite some time but I know the United States is not going to give in to, um, some sort of blackmail situation. If the United States government gave into this particular blackmail situation then it would only set a precedent for people to keep taking hostages in the future. And that would accomplish their means and so all the United States government would be doing by giving in to you would simply be to set future precedents so everyone would accomplish their means through blackmail, through violence, terrorism, and um, abductions. And I don't think the United States is going to give in. I think that you may as well give up on this and go to, um, something more comparable, i.e., negotiations with the United States.

Tom (nondebater):

Okay, look, one of the main problems that you guys complained about, a, the Shah of Iran was that he kept, a, capturing your people and torturing them. . . keeping them in, in confines, isn't it? Then, what is your justification for being able to, a, hold some of our people and do exactly the same thing the Shah was doing. When, a, when you didn't like what the Shah, anything about the Shah, the way he conducted his affairs; you're doing exactly the same aren't you? . . . Well, sure, if, if you are complaining against, a, type of a system where a certain thing is done and then you turn around and do the same thing, then you're really no better than the, a, the, a, system that you, a, overthrew; that you're against.

These examples were selected because they were among the best suited to traditional analyses for strength or validity. They are not typical of all reasons presented. But it is worthy of note that in unplanned reasoning, it is possible for such fully developed lines of reasoning to occur.

The third issue forces a look at these data from the point of view of fields or domain specific perspectives. Here more information comes from looking at the categories and their frequency of use. The question must be to what extent are these reasons more or less characteristic of supplicatory reasoning, particularly with regard to a diplomatic presentation in a hostage situation? No defnitive answer can be given because there are no data from other reasoning situations with which to make comparison. However, it is possible to review the reasoning and make some conjectures.

It seems unlikely, for example, that in many other situations reasoners would find it appropriate and useful to employ 64 power authority threats and action threats for 7% of the total utterances. Or that bribes both tangible and social would constitute 45 utterances or 5% of the total. Or, viewed another way, power authority threats and action threats, plus bribes would be used about as often as reasoning based upon any kind of moral obligation, that is the argument from values. Specifically, 109 utterances (12% of total utterances) were best categorized as power threats and bribes while 120 utterances (14%) were categorized under one of the subheadings of moral obligation. See Tables I and II.

Looking at the subheadings of moral obligation also shows reasoning rather clearly tied to the situation. Here personal freedom, national rights, equity, and human rights were most prominently used. While these values surely transcend the situation here, their selection is tied to an international hostage argument. Moreover, their meaning in these arguments, and thus their force, is very much related to this situation.

Finally, the heavy use of social pressure reasons (163 utterances or 19% of the total) demands comment. These included a number of the "ought to" reasons among the nondebaters, but considerably more personal and group pressure, both positive and negative among the debaters. Thus, a large portion of this group of reasons was based upon approval or disapproval by the individual maing the argument or by groups relevant to the situation such as the United States and its allies. This, too, argues strongly for field or domain specific perspectives of the reasoning.

The final issue asks to what extent trained and untrained reasoners differ in unplanned discourse. The debaters said more in their five minutes than the nondebaters, but that is not surprise to those in forensics. If anything, the surprise is that they did not talk faster, as the difference between the two groups is not so impressive--492 utterances for debaters and 387 for nondebaters. Looking at the two tables, it is obvious that the two groups used the same basic format of reasoning, used essentially the same categories, or in other words, the effect of forensic training is not so dramatic as many of us would expect.

Perhaps, we should first call attention to the categories generated in adults but not found in the children. Under power authority, adults reasoned from law as in these examples.

> Conessa (debater):
>
> Because, that is a violation of the diplomatic laws that you agreed to when you became a country and became recognized as a sovereign nation.
>
> Minerva (nondebater):
>
> First of all, we set up a court, we set up a system of government through the consensus of many of the leader nations. And this court has judged that your holding of the hostages is against national law, international law, and you chose to ignore that.

Within the major category of moral obligation, adults added national property as in Thalia (nondebater) stating, "Well, first of all, they don't belong to you, they belong to our country," and they added the golden rule as in Conessa's rhetorical question, "How would you like it if, uh, if we held some of your people hostage and refused to let your brother or your friend see you?"

Adults appealed to self interest where children did not. They talked of positive self interest when Coraxia (nondebater) said, "Because you're small, and not exceptionally powerful and independently wealthy, and it might be to your advantage to have the sympathy and allies of other countries." And they argued negative self interest as in Maximilian (debater) saying, "You don't have anything to gain by keeping these people."

Switching of the burden was expanded to allow for an assertion of a burden switch used by adults. Tisias (nondebater) asserted, "I think the big reason, one of the, the biggest reasons you held them is to get national coverage and you know and let the world be informed of you know, your reasons behind holding them. Okay, you've done that, you can't do any more."

Adults employed the familiar category of analogy. And, they used what we have chosen to call cumulative support. Only two adults, both of them debaters, used this technique but we thought it worth including. Minerva said, "Those are five reasons. Does that equal a good enough reason?"

Looking more closely at the differences between debaters and nondebaters, a few key points merit comment. Debaters resorted to bribes a bit more frequently than nondebaters. Nondebaters appealed to moral obligation noticeably more frequently than debaters. The totals are 52 such utterances for debaters compared to 70 for nondebaters. But the difference becomes more clear when you notice that 28 of the debaters' 52 moral obligation utterances came from one person, and that all these referred to national property.

By contrast, debaters felt that reference to social pressure, particularly negative social pressure, was more useful than did nondebaters. Overall, debaters made 112 utterances related to social pressure while nondebaters made only 51. Finally, debaters employed burden switching more frequently than nondebaters. Particularly, they engaged in more assertions of burden switching than did nondebaters.

DISCUSSION

The task of charting the elements in reasoned discourse will continue for some time. The objective of this and the companion study by Willbrand was to examine reasons in supplication with as little disciplinary bias as possible. To make sense of what we found it was necessary to create a category system that has little similarity to any previous analyses either classical or modern. That category system has been tested among both children and adults, and within the adult group, among both debaters and nondebaters. It accounts effectively for what was said in unplanned discourse in a situation of supplication. It has descriptive utility.

Having performed this descriptive categorization, in this paper the discourse has been re-examined with an eye to discovering the extent to which established patterns of analysis would also be useful. This re-examination has been admittedly cursory. To do the job properly, it will be necessary to take the transcripts of reasoning as whole units and criticize them from the perspective of traditional logic and the Toulmin lay-out, but that is a job for another paper.

On the basis of this cursory examintion, we have concluded that a criticism based on traditional logic would so torture the data as to render it unrecognizable. The critic would constantly be required to re-order the sequence of utterances in order to establish logical structure. The critic would be required to insert inferences of unstated premises and presume the existence of evidential support only suggested. The product of such criticism would be a monument to the creativity of the critic rather than a report on the work of the reasoner.

Application of the categories of the Toulmin lay out is much more feasible. While our category system effectively described the range of kinds of reasons presented, a critical examination from a Toulmin perspective would reveal some interrelationships of function we did not show. Moreover, the critic could locate grounds, warrants, backing, and claims without changing the structural nature of the discourse.

This question of testing validity is much more challenging. We obviously have no faith in formal validity tests just as we can see no scholarly value in a traditional critical examination of unplanned reasoned discourse. Just as the use of Toulmin's lay out would seem valuable in making a critical description of this material, so would the application of that method of quality testing seem useful. Our discovery of elements not typically perceived as part of reasoning, such as threats, bribes, and social pressure may require the further development of reasoning lay-outs to allow for what people say when they say they are doing reasoning.

Having noticed the peculiar nature of reasons presented in supplication, there seems little doubt that reasoning varies from field to field. Planned and unplanned reasoning surely seem to differ in some important respects. Reasoning in supplication seems quite distinct from unplanned reasoning within other argumentative contexts. To develop thorough understanding of what people say in argumentation it will be necessary to examine systematically situation after situation, revising category systems or creating totally new ones until it is possible to see where communities or populations or forums of reasoning exist.

Finally, what happens to students who are intensively schooled in argumentation through college forensic programs? In what respects do they differ from those not similarly schooled? When put in a situation of unplanned reasoning, in contrast to the detailed preparation for a debate tournament, debaters do not immediately organize their thoughts into discrete contentions, observations, or advantages. They do not enumerate their points--we heard not a single reference to "one, little a" or an underview, and none of them went back to the top of the flow, for which some will surely be relieved.

The debaters did not display any superiority in being able to marshal their personal store of information into specific evidence for assertions. They did not, with two exceptions, provide summaries of points made or develop lines of reasoning in any depth.

They did demonstrate some differences with nondebaters, and these seem worth thinking about. For example, it may be troublesome to forensic educators to learn that debaters employed noticeably fewer reasons based on values or moral obligation. They did use more bribes and social pressure reasons. They engaged in considerably more use of assertive burden switches in which they ascribed reasons to the other party and then refuted them. For a time we created a special category labeled "strawman" for this technique.

In sum, forensic trained adults do not show more inclination to reason in ways traditionally recommended. In some ways they show less commitment to more commonly approved modes of reasoning. And, their assertiveness may function to score points rather than create agreement. If further studies reinforce these conclusions, it may be time for those in forensics to re-think the kind of education they are providing.

CONCLUSION

This study has reviewed four issues that confront students of argumentation and has discussed them in relation to the examination of a sample of unplanned reasoning in supplication. Classical schemes for relating elements of arguments have been found to be of little use in dealing with this type of discourse. The lay out provided by Toulmin has been found to be much more useful, although some special problems of unplanned reasoning in supplication may require modifications. Critical evaluation of reasoning has proved to be helped most by the Toulmin approach, although many problems remain in dealing with the unplanned material. The data of this study suggest that reasoning is field specific and further studies in other fields or situations of reasoning is suggested in order to understand better how reasoning organizes into fields, populations, communities, or forums.

Finally, comparison of debaters and nondebaters has found similarities where none would have been expected: debaters did not show superiority in speaking in traditional argumentative form. On the other hand, where debaters were different, as in the use of bribes, social pressure, and assertive burden switches, the practices may be disappointing to educators.

TABLE 1
NUMBER OF RESPONSES FOR EACH TYPE OF REASONING BY INDIVIDUALS: NONDEBATERS

TYPE OF REASON	INDIVIDUAL										
	1	2	3	4	5	6	7	8	9	10	TOTAL
POWER AUTHORITY											
Threat		16		3					3	1	23
Act. Threat				2		2				7	11
Desire			1	1	3		1				6
Law	4	6		3	1			1		8	23
OWN AUTHORITY											
Threat											0
Act. Threat											0
Desire					1						1
Demand		1									1
BRIBES											
Tangible							8				8
Social		5		1				4			10
MORAL OBLIGATION											
Pers. Frdm.	1	2	2			7		7			19
Pers. Prop.											0
Mat. Property						2		3	2		7
Child Rights											0
Parent Rights											0
Family Rights	4							1			5
Human Rights	2		4		5				3		14
Right to Life									1		1
Equity	3	2	4	2	5	6		1	1		24
Golden Rule	1		1								2
SOCIAL PRESSURE											
General					4	3			4	4	15
Pos. Pers.											0
Neg. Pers.	1		4		3				2	5	15
Pos. Grp.				2	1	1					4
Neg. Grp.		4		1	5		6			1	17
SELF INTEREST											
Pos. Self Int.		3					5	1			9
Neg. Self Int.	1	7		3	1	1	14	2		14	43
ANALOGY		4			1			1			6
ALTERNATIVE			1	6	2						9
SWITCH BURDEN											
Invitation	8	2	5	13			8	12	1	2	51
Assertion	6	9	8	5	4		7		12		51
CLOSURE ATTEMPT	3	5		1	1					2	12
CUMULATIVE SUPPORT											0
TOTAL:	34	66	30	43	37	22	49	33	29	44	387

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TABLE II
NUMBER OF RESPONSES FOR EACH TYPE OF REASONING BY INDIVIDUALS: DEBATERS

TYPE OF REASON	INDIVIDUAL										
	1	2	3	4	5	6	7	8	9	10	TOTAL
POWER AUTHORITY											
Threat	5	2				5		6	6		24
Act. Threat		1				3			2		6
Desire			2								2
Law			2	2				2			6
OWN AUTHORITY											
Threat											0
Act. Threat											0
Desire									2		2
Demand											0
BRIBES											
Tangible	1	3	4	2		1				3	14
Social		3				7				3	13
MORAL OBLIGATION											
Pers. Frdm.	3			3			2	1			9
Pers. Prop.											0
Nat. Rights									28		28
Child Rights											0
Parent Rights											0
Family Rights			1								1
Human Rights	2		1	2		1					6
Right to Life								1			1
Equity				5							5
Golden Rule			2								2
SOCIAL PRESSURE											
General									1		1
Pos. Pers.	1	1		3	4		4			1	14
Neg. Pers.	3		2	2	5		6	9	1	3	31
Pos. Grp.	3	1	4	2		2	14	1	1		28
Neg. Grp.	1	2	3	1	2	9	8	8	2	2	36
SELF INTEREST											
Pos. Self Int.	1	4		5		6			2		18
Neg. Self Int.	2	3	3	3	16	13	1	3	5		49
ANALOGY				1	5		5		2		13
ALTERNATIVE					8						8
SWITCH BURDEN											
Invite	3	1	26		4		4	9	9	14	70
Assert	11	2	16	2	16		12	8	12	13	92
CLOSURE ATTEMPT	3		3		2						9
CUMULATIVE SUPPORT	1		1								2
TOTAL:	41	23	70	33	62	47	56	48	73	39	492

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References

Balthrop, B. "Argument as linguistic opportunity: A Search for form and function," in Jack Rhodes and Sara Newell, Eds., Proceedings of the Summer Conference on Argumentation, Salt Lake City, 1979, 184-213.

Burleson, B.R. "A cognitive-developmental perspective on social reasoning processes," Western Journal of Speech Communication, 45 (Spring 1981), 133-147.

Farrell, T.B. "Validity and rationality: The rhetorical constituents of argumentative form," Journal of the Amercian Forensic Association, 13 (Winter 1977), 142-149.

Hample, D. "The Toulmin model and the syllogism," Journal of the American Forensic Association, 14 (Summer 1977), 1-9.

Jacobs, S. and Jackson, S. "Argument as a natural category: The routine grounds for arguing in conversation," Western Journal of Speech Communication, 45 (Spring 1981), 118-132.

Kneupper, C.W. "On arguments and Diagrams," Journal of the American Forensic Association, 14 (Spring 1978), 181-186.

McKerrow, R.E. "Rhetorical validity: An analysis of three perspectives on the justification of rhetorical argument," Journal of the American Forensic Association, 13 (Winter 1977), 133-141.

McKerrow, R.E. "Argument communities: A quest for distinctions, in Jack Rhodes and Sara Newell, Eds., Proceedings of the Summer Conference on Argumentation, Salt Lake City, 1979, 214-227.

O'Keefe, D.J. "Two concepts of argument," Journal of Amercian Forensic Association, 13 (1977), 121-128.

Rieke, R. & Sillars, M.O. Argumentation and the decision making process, New York: John Wiley and Sons, Inc., 1975.

Toulmin, S. The uses of argument. Cambridge: Cambridge University Press, 1964.

Toulmin, S., Rieke, R, and Janik, A. An introduction to reasoning. New York: Macmillan Publishing Co., Inc., 1979.

Wenzel, J.W. "Perspectives on argument," in Jack Rhodes and Sara Newell, Proceedings of the Summer Conference on Argumentation, Salt Lake City, 1979, 112-133.

Willard, C.A. "On the utility of descriptive diagrams for the analysis and criticism of arguments," Communication Monographs, 43 (November 1976), 308-319.

Willard, C.A. "A reformulation of argument: The constructivist/interactionist foundations of a sociology of argument," Journal of the American Forensic Association, 14 (Winter 1978), 121-140

Willard, C.A. "Some questions about Toulmin's view of argument fields," in Jack Rhodes and Sara Newell, Eds., Proceedings of the Summer Conference on Argumentation, Salt Lake City, 1979a.

Willard, C.A., "Wurzburgh revisited: Some reasons why the induction-deduction squabble is irrelevant to argumentation," in Jack Rhodes and Sara Newell, Eds., Proceedings of the Summer Conference on Argumentation, Salt Lake City, 1979b, 134-183.

CHILD REASON IN SUPPLICATORY DISCOURSE: RULES TO BE REFINED

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The current interest in the study of communication in social context has led to investigations of what people say and mean in various situations when they spontaneously use language rather than some preconceived notion of what language should be. In other words, theory and analyses are based on actual language use in human interaction rather than on traditional epistemological principles. The study of reasoning seems to be particularly infused with traditional and trained rules and peculiarly absent of study concerning untrained and unplanned reasoning among humans that seems to be the center of what reasoning in everyday life is all about.

The perspective of this paper is linguistic in nature. The background information comes from linquists and psycholinquists whose work has made contributions to this study of communication.

A productive data base is oral language in conversation or discourse. The discourse may be either planned or unplanned. Ochs (1979, p. 55) has defined these concepts as:

1. Unplanned discourse is discourse that lacks forethought and organizational preparation.
2. Planned discourse is discourse that has been thought out and organized (designed) prior to its expression.

There is a continuum in discourse that goes from unplanned talk in which the sentences have little meaning or referent to each other and in which the hearer is not considered all the way to the other extreme in which a speech is completely written and is delivered orally word for word by the prepared copy. As Ochs points out, planned and unplanned discourse may each contain elements of the other. For example, an unplanned conversation may contain certain polite phrases practiced many times or a planned speech may be delivered and a spur-of-the-moment comment or example could be inserted. Recognizing the interrelationship between unplanned and planned discourse in the technical sense, in so far as defining type of discourse for research we may say it is primarily unplanned or primarily planned. The definitions given by Ochs have provided a distinction between unplanned and planned discourse on the basis of advance preparation. Such a distinction is practical for descriptive research purpose.

While there are different types of discourse there are also various methods of analyses that may be used to study discourse. One method of analysis of language in social context has been speech act theory. The goals of pragmatic theory of language have been described as the classification, analysis and, definition of various speech acts. (Akmajian, Demers and Harnish, 1979).

Theoretically, Searle (1969) described the two parts of the speech act as the proposition and the illocutionary force. The proposition consists of the predicate and the argument, and the illocutionary force consists of the speakers intent. Dore (1976, 1977), Fraser (1975), Stampe (1975) and others have elaborated on the view that the factor that determined the illocutionary force was the speakers intention. Dore (1976, 1977) explains the speakers communicative intention as the intention to produce effects in the hearer of recognizing the status of the utterance and of recognizing what the speaker intends for the hearer to do. In fact, studies of child language frequently base the speech act analysis on the response of the hearer. (Bates, 1976; Cook-Gumperz, 1977; Dore, 1977; Ervin-Tripp, 1977; Garvey, 1975). On the other hand, Chomsky (1975) argued that language can be used by the speaker without intending to produce effects on the hearer. The example he used was his perpetual letters to the IRS computers. It seems likely that in his letters he would have given what this study labels reasons. In a previous study Willbrand (1981) concluded that reasons were given persistently with the intent to reason even when the hearer rejected the reason. The argument was that, while the force is not cumulated in effect on the hearer, the speaker may receive satisfaction in that his intent has illocutionary force for him. Thus, the proposition and the communicative intent of the speaker are part of the speech act analysis of language. This intent of the speaker is determined by the language data and the communicative situation and not by an indepth personal analysis of the speaker.

In the study of reason giving from the linquistic perspective of a speech act a brief definition is offered. This act may include reasons that are a basis for an action or decision, a statement to justify or an underlying fact that provides sense; or the charge to ask another person to do the same in order to refute or debate. However, superceding all of this is the premise of this paper that the intent of the speaker determines the illocutionary force. Further theoretical discussion of reasoning is presented in the companion paper (Rieke) at this conference.

In the study of reason giving, as in other types of communicative competence, it seems logical to begin at the beginning - that is to investigate the performance of children. Communicative strategies in child language may be indicative of strategies in adult language. Ochs (1979) has proposed a retention model to explain adult communicative competence. She said that many communicative strategies utilized in child language are retained in adult communication. She proposed the perspective that unplanned communication makes use of strategies developed in early childhood. Using some original data and data from other studies she compared child language to adult language in sequencing of propositions, proposition relations, repetition, phonological features, referents, and verbs. Ochs (1979 P. 53) stated: ". . . we suggest that, when speakers have not planned for form of their discourse, they rely ... heavily on morphosyntatic and discourse skills acquired in the first 3-4 years of life." Thus, the study of child language has important implications for the study of adult language.

The purpose of this paper is to study reason giving in children and to investigate the retention of the communicative strategies in the language of children of progressively older ages and of adults in unplanned discourse during a similar situation. The subjects were 30 children, 10 at each age level of 3 years, 5 years and 8 years. This range of ages in each year group was similar. The 3 year olds were from 3 years 2 months to 3 years 10 months; the 5 year olds were from 5 years 2 months to 5 years 10 months; and the 8 year olds ranged from 8 years 1 month to 8 years 10 months.

Samples of five minutes of unplanned discourse between each child and a power figure (a witch) comprized the data. Each child was told that he/she was to get the witch (the examiner) to release a tiny animal, a bear or a monkey, from a cage. The child was instructed that this had to be done with words. In each discourse sample the witch said to each child during the first several utterances "Give me another reason". The examiner listened, sometimes repeated the child's reasons, inserted a few phrases to keep the discourse situation but always rejected the child's statement. Throughout the sample the examiner said "Give me another reason," "That's not a good enough reason" or even "That seems like a good reason; I'm still not going to let the bear go" as well as comments such as "So," "Why," and so on. This type of situation was called supplicatory discourse.

The method of data collection was a type of elicitation as opposed to random sampling of conversations. The elicitation was used for several reasons. First, elicitation is a more efficient means to collect specific data instead of taping an infinite number of conversations. Secondly, and most important, in the initial investigation of reasons from a nontraditional perspective a need existed to insure the speaker was giving reasons and what those reasons might be. So the situation was fixed even to the response of the hearer (i.e. "give me another reason").

In elicitation care must be taken to assure the situation approximates a real life situation. Unplanned supplicatory discourse between a person and a power figure exists in any situation of spontaneous arbitration. Familiar situations are the child asking parental permission for something likely to be denied, the student requesting a grade change from the teacher, the employee asking the boss for a pay raise on the spur of the moment, the citizen trying to talk the policeman out of a ticket, or a person talking another out of suicide. Recognizing a continuum of planned and unplanned discourse these situations are primarily unplanned. In the present study of reasons in supplicatory discourse the lack of advanced planning occured in the subjects not being aware of their role or the topic previous to the situation. Of course children have heard, seen or read witch stories and adults may have talked about the Iranian problem but this made the situation approximate real life experiences such as those just named in that a background of experience is common but the specific discourse of the moment is not prepared in advance.

Complete transcriptions were made of each discourse. The data were analyzed in the perspective of speech act theory based on a system of categories generated by the data in previous studies. In the initial study of the illocutionary force in reason giving (Willbrand, 1981) the categories were conceived for children and in following studies (Rieke, 1980; Willbrand, 1980) of the propositions the categories were specifically defined and initial data was recoded. These initial studies involved two subjects each of six age levels of children and adults and the category system was generated by the data rather than by any preconcieved system. In the present study that category system was used to analyze the data of numbers of subjects.

The category system and the definitions were as follows.[1]

POWER AUTHORITY: Power authority reasons included propositions that involved the use of some basis for the claim outside of the speaker or the hostage. In this paper the word claim is used to indicate the thesis of freeing the little animal or the hostage. The word power was used to demonstrate that the person indicated the outside source had greater strength than they. This definition must accompany those of all subcategories.

Threat: Power authority threat was defined as a generalized statement of negative consequences from some power source if the claim was not accepted.

Action Threat: An action threat power authority reason included propositions that stated a specific physical action by a power source against the transgressor if the claim was not accepted.

Desire: A desire power authority reason included a statement that expressed the needs, wishes or feelings of the power source to have the claim accepted.

Law: A law reason simply suggests that codified rules or judicial decisions support the claim or condemn the actions of the addressee.

OWN AUTHORITY: In the category own authority each speaker relied simply on his or her own ethos as the basis of the claim. This definition applies to all subcategories.

Threat: Own authority threats were a generalized statement of infered negative consequences from the speaker if the claim were not accepted.

Action Threat: The action threats were propositions that included specific physical action against the transgressor by the speaker if the claim were not accepted.

Desire: This desire reason included a statement that expressed the wishes or feelings of the speaker.

Demand: Own authority demands were propositions that included a command from the speaker usually expressed in imperative structure.

BRIBES: Bribes included utterances that stated an offer of a specific positive desirable reward to the addressee in return for granting the claim. This definition applies to both subcategories.

Tangible: Tangible bridges were propositions that offered a specific reward in the form of something material to be given.

Social: Social bribes were propositions offering a specific reward in the form of some interpersonal behavior by others intended to benefit the addressee.

MORAL OBLIGATION: A moral obligation was a proposition that involved a value which would justify the granting of the claim.

Personal Freedom: Personal freedom included propositions stating the value that individuals have the right to choose their own actions.

Personal Property: Personal property propositions presented the value that individuals have the right to keep their own possessions.

National Property: National property is characterized by the suggestion that the relation of citizen to nation is comparable to that of person to property. The nation's prerogative to have its property under its own control is presented to justify the release of the property by those who have no such right.

Child Rights: Child rights proposition demonstrated the value that children merit certain inherent considerations not necessarily accorded to others.

Parental Rights: Parental rights invoked the value that parents have definite prerogatives where their children are concerned.

Family Rights: Family rights invoked the value that families merit certain inherent considerations with respect to the members of the unit.

Human Rights: Human rights reasons rested on the premise that humanity as such warrants certain minimum standards of conduct and treatment.

Right to Life: Right to life reasons were statements of the value that living beings should be allowed to continue living.

Equity: Equity reasons contained expressions of the value that if a being hasn't done anything wrong, they should not be punished.

Golden Rule: "Golden Rule" reasons were defined as the admonition that we should do unto others as we would have others do unto us.

SOCIAL PRESSURE: The assertions of social pressure were propositions that provided justification for the claim on the basis of perceived norms of a society and inferred the results of compliance or noncompliance with those norms. This definition should accompany those of all subcategories.

Generalized: Generalized social pressure included propositions that gave a basis for the claim on the theme of undifferentiated obligatory social rules. This category was referred to as the 'have to' group.

Positive Personal: In the positive personal pressure the proposition included the prediction of approval for the addressee from the speaker.

Negative Personal: In the negative personal social pressure proposition inferred repulsion of the hearer by the speaker.

Positive Group: In a group social pressure the emphasis pertained to collective valence. In positive group pressure the propositions implied acceptance by a desirable group as a consequence of complying with the claim.

Negative Group: In the negative group social pressure the propositions implied rejection by a desirable group as a consequence of not complying.

SELF INTEREST: Self interest reasons are general statements based on the assumption that persons should act to enhance their personal well-being or condition.

Positive: A reason for positive self-interest posed a proposition that acceptance of the speaker's claim would lead to positive benefits for the hearer of a general nature in contrast to those that might come from bribes or positive social pressure.

Negative: Negative self-interest reasons pointed to the damage being done to the vital interests of the hearer by the hearer's own actions.

PLEA: This category consisted of the use of "please" uttered in a manner or tone of supplication either in isolation or as in an attached word to another phrase.

ANALOGY: This form of metaphorical reasoning makes a comparison between two subjects or ideas so as to encourage the acceptance of a claim that what is true of one is true of the other.
ALTERNATIVE: Alternative included propositions that presented a different proposal that might serve as a compromise of the two positions.
SWITCH BURDEN: In the tradition of argumentation these propositions included charges or challenges to get another person to reason in order to debate that reason.

Invitation: In the invitation to switch, the utterances take the form of an open-ended question that allows the addressee to supply answers, typically to justify the opposition to the claim.

Assertion: In the assertion of a burden switch, the speaker poses a reason or reasons or the absence of reasons for the hearer's position such that either the addressee can accept the speaker's assertion (which the speaker suggests would weaken his position) or supply alternative reasons and thereby accept the burden of proof.
CLOSURE ATTEMPT: Closure attempts were propositions that included proposals in declarative or interrogative form for the addressee to accept the claim. These efforts of closure may have appeared at various places in the discourse and thus did not necessarily close the topic.
NON-PROPOSITION: Non-proposition were isolated utterances of "because" or "so" with no connected phrase, and stalls such as "um" or "I'm thinking" and withdrawals such as "I don't know", as well as affirmation or negation with no expansion. These may have acknowledged the reasoning discourse but did not provide stated reason propositions.
OTHER: The category other was used to include any statement of fact or fantasy that was not applicable to the discourse as a reason.

The results of this study indicated that reasons can be considered as a speech act. The illocutionary force was determined by the discourse. The statements of the examiner in the elicitation procedure provided the basis, of course. And the speakers responses to "give me another reason" were made with intent to reason. The classification of the reason propositions had been generated by the data from a few subjects. The definitions of categories were then used to code the data for the large number of subjects in this study and all new data could be coded by the developed system. Reasons given in this situation can be dependably coded by the proposed method.

In order to investigate the retention of types of reasons in unplanned supplicatory discourse from childhood through adults a five point scale was devised. Table 1 shows the use of the categories by children 3, 5, and 8 years and adults.[2] The scale to denote frequency of response was divided into five parts depending on natural breaking points in number of responses. A + indicated 1 to 4 responses, two +'s included 5 to 25 responses, three +'s were 30 to 50 responses, four +'s were used for 55 to 75 responses and five +'s included 80 to 100 responses.

In consideration of the categories of reason strategies 33 categories are included. Non-propositions and other statements are discussed later. In the total of 33 categories, 3 year olds used 12 reasons and 4 of those were not used by adults; 5 year olds used 23 types of reasons and 6 of those were not used by adults; and 8 year

TABLE 1

USE OF CATEGORIES OF REASONS BY CHILDREN AND ADULTS

CATEGORY	AGE GROUPS			
	3 years	5 years	8 years	Adults
POWER AUTHORITY				
Threat	*	+++	++	++
Action Threat	++	++	+++	++
Desire		++		++
Law				++
OWN AUTHORITY				
Threat	+	++	+	
Action Threat	++	++	++	
Desire	+++	++	++	+
Demand	++	++	+	+
BRIBES				
Tangible		++	++	++
Social		+		++
MORAL OBLIGATION				
Personal Freedom	++	+	++	++
Personal Property	++	++		
National Property				++
Child Rights	++	++	++	
Parental Rights			++	
Family Rights		+	++	++
Human Rights			+	++
Right To Life	+	+	+++	+
Equity		++	++	++
Golden Rule				+
SOCIAL PRESSURE				
Generalized	++	++	++	++
Positive Personal		+		
Negative Personal	+	++	++	++
Positive Group		+	+	+
Negative Group			+	++
SELF INTEREST				
Positive				++
Negative				+++
PLEA		+		
ANALOGY				++
ALTERNATIVE		+	+	++
SWITCH BURDEN				
Invitation		++	+++	+++
Assertion				+++

TABLE 1-Cont

CATEGORY	AGE GROUPS			
	3 years	5 years	8 years	Adults
CLOSURE ATTEMPT		+	+	++
NON-PROPOSITION	+++++	+++++	++++	+++
OTHER	+++	++	+	+

Key

+	= 1-4	responses
++	= 5-25	responses
+++	= 30-50	responses
++++	= 55-75	responses
+++++	= 80-100	responses

olds used 21 types of reasons of which 4 were not used by adults. Non-debater adults used 26 categories. In her retention model Ochs (1979) had proposed that unplanned discourse of adults relied heavily on the same strategies as 3 year olds. In analyses of reasons this study demonstrates that the language of 3 year olds is not the predictor of adult language but the performance of five year olds is.

While 8 of the categories used by 3 year olds were used by adults, 17 of the 26 categories used by adults were used by 5 year olds. Little change was evidenced at 8 years. Following studies will have to determine whether a decisive change could occur at four years. For the present it appears that in terms of types of reasons in unplanned discourse the language of the 5 year old demonstrates most of the strategies of the adult. In other words, getting a hostage free from the Iranians requires the same strategies as getting a baby animal from a witch. If all supplicatory discourse generates similar reasons, then it might be predicted that your plea to the boss for a salary raise would be strategically like a 5 year old asking for more allowance.

However, this overall view does not present the entire picture. Some strategies were maintained, others were dropped, and still others were added for use in a similar situation by adults.

The type of reasons that are maintained from childhood would seem to be those that prove to be salient. While no judgment is made from the theoretical view of a good reason, it seems that those reasons that are maintained are perceived by speakers as good reasons; because it seems unlikely that speakers would continue to use a reason that doesn't work. Of course, there is the possibility that such reasons are never responded to but mass useage creates a perpetuating wave of disfunctional verbiage. Whichever may be the case reasons that are maintained have an important place in unplanned supplicatory discourse.

Those reasons that are maintained from 3 years on might be considered the most primitive. Power authority threats such as "The Daddy bear will come" (3 years) or "If you don't you'll go to the devil" (5 years) just began at 3, peaked at 5 and were obvious in the adults. Action threats by the power authority such as "The Daddy bear will bite you" (3 years) and "The policeman will give you an earache" (5 years) were used at the second level of the scale by young children and adults. Threats from a greater power would seem to be useful for all ages perhaps because the ultimate refutation from the hearer would be a willingness to suffer the consequences if it were true.

The uses of own authority that remained from 3 on were desire in statements of "I want . . ." and demand given in imperatives. These were not as prevelant in adult discourse but they were used. It should be noted that the most used reason for 3 year olds was own authority desire. The change in importance seems to make a statement about the world. That is, a young child probably gains many things by simply desiring or demanding and an adult learns that what he wants or feels often has little impact on a listener. Nevertheless such reasons are still used perhaps because they are so meaningful to the speaker even when realistic thinking would indicate to the adult they don't fit this situation.

Values may change as people get older but several values or moral obligations seem to be learned early. Personal freedom as in "Cause he wants to go" (3 years) or "Because he needs to run around loose" (8 years) remained important at all ages. Personal freedom might be expected because it has been an intregal part of the American way. The other value that appeared at 3 and was maintained was the right to life. These statements typlified by "Cause him get dead" (3 years) "He can't breathe" (5 years) were consistently but infrequently used except by 8 year olds who used it frequently. It was surprising that adults did not use the right to life argument more frequently, particularly if one expects a national campaign to make right to life a household slogan. Perhaps on the other hand the effect of the campaign has been to restrict the right to life to a fetus.

The only other reasons that 3 year olds gave that were maintained at all ages were social pressure. Generalized social pressure typlified by "You have to" (3 years) maintained equal status at all ages. It might be expected that "have to" and "should" is motivation for behavior at all ages and would be a viable reason to use because of the chance for a Freudian type impact. Negative personal pressure was also used by three year olds slightly and increased equally in the other ages. It seems to be a commentary on society that negative personal comments like, "You're a mean witch" (3 years) or "You're just plain bad, bad, bad" (5 years) are consistently in an argument repertoire from a young age instead of positive comments.

While 3 year olds began with what may be assumed to be the most primitive reasons, the 5 year old group maintained those and added another group of reasons that were maintained into adult years.

Power authority desire as in "Cause Heavenly Father wants everyone to be nice" (5 years) was used by 5 year olds and adults in the second category of frequency. If the power authority is recognized as such the desire of a power figure becomes a polite way of expressing a demand whether issued by that figure or a spokesman. This type of reason can be a potent argument and might be expected to be maintained.

The use of tangible bribes as a reason was initiated at 5 years with statements such as, "If you let him out then maybe I'll give you a piece of candy. And some pudding. The pudding is real good and you can have all of it." Bribes have not been traditionally considered a reason, although a frequent occurrence in everyday life is that a bribe or a reward is the offer that results in action. In fact, education has been organized on a system of tangible bribes whether the bribe is M and M's, a star, a grade, the honor roll, or a merit raise. Thus it is not difficult to understand that tangible bribes were used consistently as reasons from 5 years on.

The 5 year olds also initiated the use of social bribes. Ideas such as, "Well, why don't you just let him go and you could follow him and both of you could be friends. It could be fun." seem to be a more advanced concept than tangible bribes. In a social bribe the reward is interpersonal so it is not surprising that 5 year olds just began to use such reasons and that adults used them more frequently. Eight year olds did not use these reasons at all. It is somewhat consoling to know that at least 5 year olds and adults perceive interpersonal behavior as rewarding.

Family rights as in "Because he lives with his family" began at 5 and continued with greater frequency at 8 and adults. The primacy of family membership is a value that we might expect would take some years to understand that unit. While the world of younger children is centered in the family they tend to see parts of that unit instead of the whole.

Equity seems to be a value that permiates life and literature. The 5 year old who said, "He don't hurt anybody" expressed this reason that was consistently used from 5 on.

Positive group social pressure as in "They (other witches) love animals" (5 years) was used from 5 years on. This reason was used infrequently, however, and the anticipation was that group pressure would be a popular argument. Positive group pressure did appear before negative group pressure in contrast to the negative personal comments that had begun at 3 years.

The five year olds began to use three types of argument that are part of the negotiation process. Alternative, switching the burden and closure attempts. The offer of an alternative such as "Why don't you let him go, just do it to somebody else" was a type of reason that just began at 5 and 8 and was used more frequently by adults. The switch burden invitation issued primarily as why questions was used frequently by 5 year olds but more frequently by 8 year olds and adults. The attempt to get another person to offer a statement is a different type of reason that may be considered more a reasoning technique than a reason in and of itself. Likewise the attempt to close as in "So you will let him go" (5 years) is more a reasoning technique. Closure attempts just appeared in 5 and 8 year discourse and were more frequent in adults. It might be supposed that it takes both maturity and self confidence to try to control a discourse with a power figure by closing the discussion before the power figure closes. Although such a move could be effective method of getting more discussion.

The 8 year olds added only two categories that were maintained by adults. Human rights comments such as "You're hurting human nature" began to appear at 8. The concept of human beings is a large linquistic and cognitive category and might be expected consequently to be later in appearance.

Negative group social pressure as in "No one will like you if you don't let him go" was used by 8 year olds and adults. The adults used such reason more frequently. The idea that negative reaction of a group is a reason was more advanced than negative personal comments. Once again calling attention to the more inclusive categories appearing later. Negative group pressure was used more than positive group pressure by adults but not by children. Perhaps adults learn that negative social pressure is not as easy to ignore as positive pressure.

While all of these types of reasons were maintained in adult unplanned discourse, the children gave reasons that were not used at all ages. Apparently the children perceived certain reasons to be salient in the situation that adults did not. Own authority threats as in "I can do something" (3 years) or "I warn you" (5 years) and own authority action threats as in "I get some water and throw it right on you and melt" (5 years) or "If you don't let the bear go, I'll beat you up" (8 years) were used by children of all three ages. Children readily used their own authority as explained before perhaps in relation to their view of their power in the world. It would also appear that they offer the threat as a reason and not necessarily the reality of the subsequent action. The probability is that adults would consider the viability of a threat or an action as well as the possibility of being forced to carry it out before they'd offer own authority threats. Adults used no own authority threats or action threats.

Personal property reasons as in "It's mine" (3 years) and "Because it's my monkey" (5 years) were used only by 3 and 5 year olds. The assumption would be that persons of all ages might use such a reason if it were a truth statement. However, young children seemed to consider personal property such a good reason that they used it even when it was obviously not true.

Two of the reasons, child rights as in "Cause it's a baby" (3 years) used at 3, 5, and 8 years and parental right as in "His mother's worried about him" (8 years) used at 8 years might well have appeared in the adult discourse if any of the hostages in Iran had been children. By observation it seems that protection of children is a common reason in adult discourse when the reason is appropriate. However, it should also be noted that young children tended to use first the rights of children, older children began to be aware of parental rights and adults expressed the value as family rights. It is interesting to observe that family rights were used by 5 and 8 year olds in addition to child rights and parental rights but adults chose only family rights while parental rights would have been applicable as well.

Two reasons, positive personal as in "If you were nice and let him go" and pleas such as "Please let him go" were used only by 5 year olds. Other children of different ages need to be investigated before explanations can be attempted as to why only 5 year olds would try these reasons that offer pleasantries.

Among the reasons offered in supplicatory discourse seven of the children's reasons were dropped. A balance was established in that adults added seven reasons that children never used. The adults added law, national property, golden rule, positive and negative self interest, analogy and switch burden assertions.

In this study of children's supplicatory discourse note should be made of the prolific use of non-propositions consisting mainly of "Cause" and "Just because" as well as "I'm thinking" or "I don't know." While "Cause" or "Because" could possibly have been used as a reason by young children, it also could have been a stall or more simply a turn marker. Certainly "Because" marks a reason clause but in those utterances in this category no proposition appeared. The non-propositions appeared with frequency at all ages and the discourse did not provide any indication they were more than discourse participation. While all ages used such statements the excessive porportion is particularly obvious at 3 years. Likewise other comments that seemed hardly to apply to the purpose of the discourse such as "His name is Sammy" were especially apparent at 3 years and appeared in decreasing amounts.

In conclusion, a repertoire model seems best to represent the use of the types of reasons in unplanned supplicatory discourse. The bulk of the repertoire of adult reason giving in unplanned discourse was developed by 5 years of age but like the plays of an acting company some are dropped perhaps to be used another time and others are added as knowledge and experience allows.

FOOTNOTES

[1] The definitions of reason categories were presented at the East-West Communication Conference in Honolulu, Hawaii, December 1980 (see Rieke, 1980 and Willbrand, 1980) with the exception of the categories of plea, non-propositions and other.

[2] The data from adults is taken from the untrained adults (the non-debaters) in the companion paper given by Rieke at this conference.

REFERENCES

Akmajian, A., Demers, R. A., and Harnish, R. M. Linguistics: An Introduction to Language and Communication. MIT Press, Cambridge, Massachusetts, 1979.

Bates, E. Language and Context: The Acquisition of Pragmatics. New York: Academic Press, 1976.

Chomsky, N. Reflections on Language. New York: Random House, 1975.

Cook-Gumperz, J. Situated Instructions: Language Socialization of School Age Children. In Ervin-Tripp, S. and Mitchell-Kernan, C. (Eds.) Child Discourse. New York: Academic Press, 1977.

Dore, J. Children's illocutionary acts. In Freedle, R. (Ed.) Discourse: Comprehension and Production. Hillsdale, New Jersey: Lawrence Erlbaum Associates, 1976.

Dore, J. "Oh them Sheriff": A Pragmatic Analysis of Children's Responses to Questions. In Ervin-Tripp, S. and Mitchell-Kernan, C. (Eds.) Child Discourse. New York: Academic Press, 1977.

Ervin-Tripp, S. Wait for me rollerskate. In Ervin-Tripp, S., and Mitchell-Kernan, C. (Eds.) Child Discourse. New York: Academic Press, 1977.

Fraser, B. Hedged Performatives. In Cole, P., and Morgan, J. (Eds.). Syntax and Semantics: Speech Acts. New York: Academic Press, 1975.

Garvey, C. Requests and responses in children's speech. Journal of Child Language, 2: 41-63, 1975.

Ochs, E. Planned and Unplanned Discourse. In Givon, T. (Ed.) Syntax and Semantics: Discourse and Syntax. New York: Academic Press, 1979.

Rieke, R. D. Human Reasoning Theory for Modern Communication. Paper presented at East-West Communication Conference, Honolulu, Hawaii, December 1980.

Searle, J. Speech Acts: An Essay in the Philosophy of Language. London: Cambridge University Press, 1969.

Stampe, D. W. Meaning and Truth in the Theory of Speech Acts. In Cole, P. and Morgan, J. L. (Eds.) Syntax and Semantics: New York: Academic Press, 1975.

Willbrand, M. L. Emerging Reasoning: A Foundation for a New Theory of Reasoned Communication. Paper presented at the East-West Communication Conference, Honolulu, Hawaii, December 1980.

Willbrand, M. L. The other witch-poos won't like you. In Henderson, M. (Ed.) 1980 Mid-America Linguistics Conference Papers. Lawrence, Kansas. University of Kansas, 1981.

"I GOTTA LESSON YOU": CHILDISH ARGUMENTS

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The purpose of this essay is to consider argument within a developmental perspective. Such an effort would appear useful both for the study of argument and development. The potential gain from scrutiny of phenomena through developmental time, while well known in a number of intellectual realms, is still awaiting an audience within speech communication. Specifically, it is thought that a complex and conventionalized human ability is better understood in the context of changes and abilities that led to it. If we conceptualize the human interactive behavior of "argumentation" as involving such competencies as the perception of role and other social sensitivities, speech underlain by a fairly elaborated linguistic code, and the ability to use specific and relevant features of the context, then it would seem that the nature of human argumentation might well be informed by descriptions of changes in social adaptation, speech, and contextual awareness made across developmental time.

But I will not undertake that description here. Instead I intend to suggest ways for beginning such an enterprise. With that objective, I will proceed by identifying two initial considerations. First, conceptualization of the human ability for argument in developmental terms requires articulation of a functional goal for growth; second, such conceptualization should start simply. After proposing an initial model for describing developmental change in argument, I will present examples of children's argumentative interactions. Based on those examples, the initial model will be reconsidered.

A developmental description of argument involves two matters at the outset. First, it is important to initially keep model concerns separate from empirical concerns. Observations of children (and other developing humans) will be interpreted within some model of development. Even when no model is explicit, the ordering of observations implies some belief about the comparative developmental status of the behaviors observed. Put simply, in order to describe developmental changes in some observed phenomenon the investigator will have had to make some decisions about what it is that is changing that reflect his or her values regarding that phenomenon. Such decisions, not surprisingly, usually reflect "adult" values in that the observation of some construct as that construct is manifest in adults will typically be interpreted as "more developed" while observations of other "versions" of the construct will likely be called "less developed."

Piaget's general description of reasoning [1], for example, is comprised of a developmental progression from magical to transductive to deductive inference (Piaget, 1928).

A useful approach for attending to these model considerations is to first define the developmental end point. That is, one simply answers the question "what is it that is presumed to be developing?" As discussed by Kessen (1966), Wohlwill (1970), Overton and Reese (1973), and others, this decision is often made by articulating some functional ability [2] which can serve to anchor (from the "more developed" end) the course of development to be scrutinized. The course of development itself can then be modeled in terms of a series of differing structures (or more often, meta-structures) that progressively permit more complete functioning in the defined realm. So for example, one could describe Piaget's general developmental model of reasoning as anchored by the functional ability to produce inferences from environmental information that most adults would call "correct." The course of development toward this functional end is modeled by an ordered set of different structures of thought (magical, transductive, deductive) that manifest increasing ability in terms of this desired function.

On the other hand are empirical concerns. To continue the current illustration, an investigator might wish to make observations indicative of a developmental course of reasoning by building a pendulum using a fixed top point, a length of string, and a weight on the end. The end point of this developmental course might be operationalized as success (i.e. correct adult inferences) in determining how the rate of oscillation of the pendulum varies when the length of the string and the weight are varied (holding other things, like how far you pull the weight back before you let it go, constant).

The investigator could then present this task to a series of children which compose a group expected to exhibit a range of developmental ability. He or she could observe the children's behaviors in manipulating the pendulum, their comments while they're working with the thing, and their responses to a standardized set of questions designed to tap their understanding of the scrutinized relationships. These observations could then be interpreted as indicants of different kinds of thinking that are either identical with or relate to the structural changes posited by the model of development. Such empirical findings might elaborate the model by specifying structural change as gradual or abrupt, suggesting additional structures intermediate to those articulated in the model, or defining the range of behavioral variety within the various modeled structures. The hapless researcher might even be unable to relate his or her observations to the course of development as conceptualized thereby bringing the utility of the entire model into question.

My point here is to emphasize the relationship between two distinguishable facets of studying any developing phenomenon. In particular I wish to stress that developmental investigation involves some conception (a model) of the scrutinized phenomenon in terms of change. That is, the developmental study of argument will involve decisions about what is being developed and what changes lead to it. These model concerns are the primary focus of this essay.

At this point additional comment seems needed lest the reader was distracted from the path I've marked by the abundant primrose growing along side. It seems unrealistic to expect that a fully articulated *a priori* model of the development of argumentative ability be a prerequisite to either the observation of such abilities in children or discussion of the precursors of more sophisticated forms of adult argument. I am suggesting, however, that the developmental study of argument as a general enterprise must attend to this basic issue of conceptualization and that individual investigations are likely to involve such models even if unarticulated. Many human abilities have been explored developmentally, but argumentative interaction is not one of them. Likewise, many aspects of argument have been studied, but its ontogenesis has generally been assumed. The novelty of such an endeavor extenuates the absence of models for relating change in argumentative ability as well as underscoring the importance of them.

Given the immaturity of developmental study of argument, a second consideration I suggest is to keep things simple. Philosophers and rhetoricians have produced a wealth of description of various structures and, to a lesser extent, functions of human argument. The great variety and often complexity of these descriptions is not unexpected given the goals of characterization and prescription of argumentative interaction in highly diverse and conventionalized adult worlds of law, religion, commerce and academics. But the children I observed are aspiring dirt bike racers, movie stars, and soccer players. Developmental scrutiny of argument requires conceptualization that is consistent with traditional treatments but also, importantly, encompasses primitive or rudimentary forms of what can become an intricate and artistic adult activity.

Recall that my primary objective is to suggest a first charting of the course of developing ability for argument. Conceptualizing that course can begin by positing a functional endpoint for the developing ability in terms of the individual securing the adherence or acceptance of others through speech (e.g. Perelman and Olbrechts-Tyteca, 1971). It seems useful to elaborate this developmental goal with two metastructural elements. In particular, the speaker will have produced an assertion (or more commonly, a claim) that is the object of the other's adherence or acceptance, and one or more reasons that support, justify, or explain the claim.

Defining the aim of development as a speaker obtaining another's adherence to a justified claim has certain advantages. Though probably too general for most scholars of adult argumentation, it is compatible with much contemporary thought about argument. Further, casting other's adherence upon the functional axis of development permits a course of change to run through childhood and into adulthood to whatever forms it may achieve. That is, the strategic and structional forms of speech that may reliably gain adherence among four-year-olds very well might not achieve the functional goal in the interaction of adolescents. In the same way, the structural means of securing acceptance among adult college students may be developmentally immature when the same functional end is considered for adult lawyers. Finally, anchoring the course of development in adherence places the growing ability squarely in the social world of interacting people. This not only emphasizes the focus of much current scholarship in speech communication but is consistent with my own preference to investigate the development of argument within naturally-occurring situations.

With the ability to be developed identified as a person verbally securing another's adherence to a supported assertion, how might we begin to model the general course of growth? As noted earlier, scholarly work in neither development nor argument provides much help. One exception is a recent study by Willbrand (1980). In a well-designed observational investigation of the reasons children give to support a fixed claim, she found that the number and type of reasons children produced increased with age. While her purpose was very different from the developmental model concerns of this essay, one is tempted to speculate that those general findings are indicative of a course of children developing greater ability to obtain adherence by learning more and different ways (reasons) to justify their claims.

Given my norm for simplicity, this speculation has some appeal. At least initially it seems reasonable to assume a level of functioning requisite to the beginning of a developmental course of argumentative ability. That is, a prerequisite level of thought, speech, and social awareness that minimally allows a person to make an assertion would anchor the "less developed" end of the model. Such minimal ability is well-established in most children by their second or third birthdays. From this beginning, we might conceive of a fairly continuous process of early growth in three rough stages. First, the very young child merely produces claims. Later he or she begins to provide some primitive reason for or supportive accompaniment to their claims. Finally, the range of support for assertion is gradually expanded such that children build a justificatory repertoire of different types of reasons for adherence to their claims.

Even such a sketchy modeling of the process of change in early argumentative ability should now permit initial description of the

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structures underlying argument for each developmental step. For example, observation of children would allow the conceptual and linguistic structures of a person's speech or, preferably, the interactional structures to be articulated for each advance in ability. Such structural descriptions should serve both to elaborate the general stages of change anticipated and to begin specification of growth from one stage to the next. Conceptualizing the course of development in the way just presented focuses particular attention on the supportive or justifying elements of early argument. The work begun by Willbrand (1980), while perhaps requiring translation into developmental time, appears complimentary to the course as initially modeled.

The discussion so far provides a start, albeit a very modest one, for considering the ability for argument in early developmental terms. Argumentative ability is functionally conceived as obtaining another's adherence through speaking. This functional goal of development is elaborated with two metastructural components, an assertion which is the object of the desired acceptance and one or more reasons which are presumed to support the assertion. From this simplified understanding of the ability to be developed, an initial course of change is suggested in three relatively continuous stages. Assuming a prerequisite ability to use language to assert something to another, an initial egocentric level of functioning is posited. Here argumentative ability begins with simply the production of claims. A second developmental step is described as the production of assertion with some support, explanation or justification. This more adaptive stage then leads to a third level of ability characterized by the elaboration and diversification of the kinds of support used to accompany the speaker's assertions.

But the enterprise no sooner recognizes its start when complications arise. Observation of children making assertions, particularly when their assertions are challenged, brings even this very general conceptualization of argumentative development into question. Specifically, the focus of change within the suggested model is the nature of support or reasons which accompany the offered claim. This focus results in a model characterized by continuity from stage to stage. This continuity does not seem borne out by observation.

To evaluate the utility of this conceptualization for describing early development of argument, examples of children's argumentative interactions will be presented. My purpose here continues to be a suggestive one designed to inform initial developmental scrutiny of argumentative ability. The interaction segments below do not constitute a systematic data collection intended to confirm or disconfirm any developmental expectation. The examples were collected for other purposes. They were transcribed from audiotaped recordings produced by hiding microphones where the children played in and around their homes. One exception is example (2) which resulted from a home videotaped interaction between the child and her mother. Excepting the videotaped example, the children did not know they were being recorded. The examples have been orthographically transcribed with greater concern for ease of reader understanding than accuracy of phonetic representation. A few observer notes of action have been added where available and relevant. Information on the relative linguistic and cognitive development of the children is generally consistent with the order in which the examples are discussed. But this rough correlation is for my own piece of mind and does not imply a claim of developmental priority in the present context. Again, these interaction segments are intended as illustrative rather than evidential.

As posited, the course of development begins with the production of unsupported claims. While this argumentatively immature mode of functioning is a logical starting point given the functional goal of the suggested course, it also appears to be typical of young talkers. As many a harried parent will attest, it is a common pattern for young children to assert and, when faced with challenge, repeat their assertion, often continuing repetition until somebody gets mad.

(1) John (3.4) and sister Jamie (4.3) are in the kitchen. Their father is washing the dishes across the room.

John: Daddy can I...my feet...is that...oh oh

Jamie: oh oh what?

John: don't touch...oh oh

Jamie: what...what?...oh oh what?...you said oh oh

John: I...I said oh oh 'cause I... this sting...no I said oooh

Jamie: no you said oh oh

John: nuh uh I said nu...oooh

Jamie: no you didn't

John: uh huh

Jamie: did he say oh oh?...did he Daddy?

Dad: maybe...I didn't hear him but he could've

Jamie: he did

John: no I didn't

Jamie: you said oh oh

John: I didn't not...Jamie I didn't

The commonness of this mere repetition of claim extends beyond the gainsaying of John and Jamie. Even when adherence to the assertion seems quite important to the young child, the claim is often only modified with an increased intonational "urgency." The following rather offensive example also demonstrates the demand characteristics of a videotape camera for adults.

(2) Darla (2.2) and her mother are sitting at the kitchen table looking at a book.

Darla: (looking at Mom, pushing out her chair) pee

Mom: (looking up from book to Darla) let's look at the book Darla

Darla: pee (squirms in chair, pushes farther away)

Mom: (looks at Darla, takes hold of her arm) not now... let's look at the book

Darla: (looking at Mom) pee...pee

Mom: (releases Darla's arm) look at the book

Darla: (looking at Mom) pee

Mom: (looking at book, pointing) look at the bunny rabbit

Darla: (looks at book and pushes it away)

Mom: (still pointing) see a bunny rabbit?

Darla: (pushes book out of Mom's hands)

Mom: (looks to camera) it's not going to work folks

Darla: take a break

Moving from this egocentric pattern of mere assertion, the suggested model posits a developmental step wherein the young arguer displays some adaptation to the other by providing some support or reason for their claim.

(3) Valvina (5.0) and Sabina (4.11) are sitting on the front porch; Sabina has a candy lipstick.

Valvina: gimme that

Sabina: why

Valvina: 'cause I said so

Sabina: no

Valvina: it's mine

This sort of primitive justification (e.g. 'cause I want it, 'cause I said so, etc.) seems common among young children. But here the problems begin. Another pattern appears to be at least equally as common. Rather than responding to the other's challenge of assertion with a rudimentary justification, a different claim is made. While reasons may abound, the assertion presumed to be supported shifts.

(4) Matt (4.9) and Allen (4.6) are on the floor of the sunroom playing with a group of toy cars and trucks.

Matt: I get all these...

Allen: gosh

Matt: and you get all those...back there...here...here

Allen: you get that many?

Matt: and you get that many...I get I get the green one

Allen: but that...that goes with mine

Matt: but nobody can use this...this green truck...ok? because I I love the green...green um car and that's all...ok?

Allen: yep I got...no...I got this one to drive...lucky me

Matt: I gotta lesson you...that's just to res...cue people it doesn't come out...I it just comes out sometimes...not all the time...that's all

Allen: anyways it doesn't come out for real...right?

Matt: yeah it comes out in the winter pretend and and

Allen: honk honk brrrrrrrr brake

Matt: here you gotta have the green one 'cause he comes out in the night...sometimes

Allen: well it's not winter

Matt: I know...but he's gotta come out today...you gotta drive him

Matt asserts possession of the green truck, then claims that no one can use it because he loves it (the familiar "if I can't have it, no one can") and later because it "doesn't come out," then suggests that it comes out "sometimes" (winter, night, whenever), and ends by insisting that Allen must have it and provides a couple of reasons why. Admittedly, the world of pretense is one where anything goes. The fluidity of claims is not surprising when all of reality is open to continual redefinition. On the other hand, much of a young child's day is spent within this ludic world of pretense. To dismiss it is to remove from observation a majority of the contexts within which young children develop. Moreover, this pattern of shifted rather than supported assertion appears to be more general.

(5) Sean (4.6) and Erin (9.1) are in the living room with their parents. Erin is going through a box of old school projects.

Erin: look I made a...a cute snowman...look at my snowman that I made

Sean: ooooo...I love it...can I...can I keep it? (takes snowman from Erin)

Erin: no

Sean: I can keep it for you

Erin: no you can't keep it

Sean: I won't keep it...I'll keep it for you

Erin: (goes back to the box) this is my um (inaudible) I think

Sean: this is good

Dad: let's see

Erin: we had to copy this onto the board...oh I remember this...oh I made this for a valentine card for you... I made this for a valentine card for you Mommy

Mom: I know...it's nice

Sean: (still holding snowman) Mommy

Mom: yes

Sean: Mommy...it's for all of us

Mom: I know

Sean: it's for Thanksgiving

Again, rather than supporting his original assertion of possession, Sean alters his claim, albeit subtly, to "I won't keep it...I'll keep it for you" and then shifts again to "it's for all of us... it's for Thanksgiving."

The initial conceptualization of the course of development posits a functional goal of adherence. It locates the mechanism of change in an orderly sequence of adaptation to the other which is accomplished through an increasing diversification of reason or support for assertion. By contrast, examples (4) and (5) are suggestive of a less orderly sequence of adaptation which includes at least a growing use of support *and* a willingness to change what is being claimed. It appears that the children are less concerned with the means for obtaining acceptance of a *particular* claim than with obtaining adherence to *some* claim. It is encouraging that the model goal appears to have such salience. But the changes children make in the course of this functional growth appear to involve considerably more than learning how to support one's claims.

This dynamic mix of claims, shifted claims and reasons is particularly apparent in example (6) as two older and verbally well-developed girls interact.

(6) Heather (8.8), Erin (9.1), and Robin are playing in Erin's bedroom.

Heather: I'm Ann and I always wear jewels lots of jewels

Erin: who are you I mean Zsa Zsa Dabor or something

Heather: nooo

Robin: how do you get this thing on her?

Erin: Zsa Zsa Dabor is the most famous movie star... for real life...Zsa Zsa Dabor is a real movie star

Heather: and and what's her middle name?

Erin: I don't know

Heather: here...why don't her middle name be Ann and everybody call me Ann...I'm Zsa Zsa...I'm whoever you said

Erin: Zsa Zsa Dabor

Heather: uh huh but I'm everybody calls me Ann...ok?...no but your name is Zsa...uh her sister and I was even richer than her

Erin: no

Heather: her name is Ann Dabor

Erin: no nobody is richer...than Zsa Zsa Dabor... not even her sister...her sister isn't a movie star

Heather: I don't care

Erin: but she's not richer she gets just the same amount of money

Heather: no I...an hundred and a hundred dollars and she only has fifty-one

Erin: no

Heather: she has sixty-one

Erin: no there's

Heather: a hundred and one?

Erin: no they both have ten thousand dollars...both of them...and Zsa Zsa

Heather: I give...I gave you two dollars and you two dollars

Erin: just two dollars?

Heather: eight dollars and eight dollars

Erin: ok but you still have a lot of money

Two features seem important for interpreting this last and the preceeding two examples. First, there appears to be a strong push for the other's adherence to assertions though not necessarily the original claims made. Each of the children seems to work verbally toward *some* agreement. Nearly as soon as contention appears, rather than setting up their podiums on opposite sides of the room to justify their conflicting claims, they are more likely to shift their claims, provide reasons for unarticulated assertions, synthesize new claims from what has been said, or move on to something else. In fact, the interactions in (4) through (6) seem better characterized as *negotiation* than argument as it has traditionally been conceived. But this is not a new insight. Academic understandings of argument and reasoned contention have been found to be inappropriate for the description of verbal disagreement and resolution in various realms of naturally-occurring interaction (v. Atthowe Jr., 1964; Brooke and Blom, 1963; Barber, 1966). Second, how the children responded to challenges of their assertions seems to depend upon the nature of the challenge. Likewise subsequent support for claims, shifts in assertion, and the like appear to be as much a function of what the others have said as what the children appear to have wanted when they produced their original claims. This is just to recognize the obvious; that argument in naturally-occurring situations is a crucially interactive phenomenon. Attention to the well-known characteristics of responsivity, contingency, and interdependence seems no less necessary for the study of the development of argument than for investigation of any extended verbal exchange.

Well, so much for the norm of simplicity.

Consider my initial conceptualization of the course of development in light of these observations. The functional goal of obtaining another's adherence to a claim appears to have some utility for describing early argumentative interaction. But it should be clear that this functional aim confines the investigator to a unilateral view of the activity. Description can proceed only by identifying one person as the arguer (producer of a claim) who is interacting with another conceived of as the potential adherer to the claim. While such a view is understandable as stemming from attention to public speakers communicating to an audience, it insulates inquiry from the dynamics of two or more people communicating with one another. A course of development of ability for argument from this view might most appropriately start with a person's first high school or college class in public address. At best, such a perspective restricts investigation to a very small segment of human communicative activity. At the worst, it defines a rather artificial province which is likely to trivialize the notion of argument.

The examples of interaction above prompt a redefinition of the functional anchor for a course of argumentative change. Positing a developmental course rooted in the growth of ability to achieve concordance among interactants would seem to release investigation from these restrictions. Developmental inquiry predicated upon a functional goal of concordance would permit description of structural changes involved in you adhering to my claims, but also me adhering to your claims, and crucially, both adhering to synthetic claims produced in the course of our give and take. Such a conception explicitly recognizes the interdependent nature of argumentation. As a consequence, it focuses developmental scrutiny on emerging communicative ability relevant to a wide range of human activity.

If we cast the course of development in terms of changes in a person's ability to achieve concordance with another, we then have the task of anticipating the kinds of changes involved in such functional growth. This has now become a considerably more complex question than when posed earlier. One approach to conceptualizing the accomplishments comprising growth of this functional goal is to invoke the communicative construct of "the given and the new" (v. Clark and Haviland, 1977; de Laguna, 1927; Firbas, 1964;

Chafe, 1976). Though talked about in a variety of ways (e.g. presupposition-proposition, topic-comment, ground-figure, etc.), the idea is that in verbal interaction, speakers assume that certain understandings are shared by themselves and the other and that their contributions (what they say) both depend upon that understanding and change it. Speaking with another then is an on going process of continually updating what understandings are believed to be shared--the given--and what additional understandings are offered--the new. Most of what speakers say to one another presumes a "given" understanding and thus leaves such understanding unarticulated. Conversely, most of what speakers say to one another involves a "new" understanding that at once presumes that a related understanding is shared and bids to modify that understanding in some way.

The relevance of this notion to the development of communicative ability for argument seems direct. Applying it to the task of modeling sequential change in ability to achieve concordance with another is much more problematic and is a problem I will not attempt to tackle here. It does suggest, however, a tentative strategy for approaching the task. One might attempt to chart this "updating" of understandings through the progression of naturally-occurring interactions. In particular, a determination could be attempted of understanding that is presumed by or "given" for one interactant, understanding that appears presumed by the other interactant, and the collation of what understandings appear to be shared or not. Such a charting, while no simple task, could then be used to background the sequence of asserted understandings produced in the course of the exchange. For purposes of a developmental model of argumentative ability, one might anticipate that growth would involve increased responsiveness to apparent disjunction in what is presumed to be shared and increased structural diversity and efficiency in relating asserted understandings to presumptions of "the given."

This essay has described some initial considerations for studying the development of human ability for argument. I have suggested that such an undertaking must first attend to its conceptualization of what is to be developed. Examples of children's argumentative interaction led to description of that developmental course as one of a growing functional ability to achieve concordance with another. These examples have underscored the importance of treating emerging argumentative ability as crucially interactive phenomena. These ideas are obviously speculative and necessarily tentative. But systematic study of emerging ability for complex activity such as argument will depend upon prior conceptualization of the nature of that activity. It is my general belief that reconsideration of adult communicative abilities in developmental terms will clarify and enrich our understanding of them.

NOTES

1. Piaget does not use the term "magical."

2. These writers stress the priority of positing a developmental endpoint and note that one could do that either in terms of a structure or function, though functional determination is more typical.

REFERENCES

ATTHOWE JR., J.M. (1964). "Interpersonal decision making: the resolution of dyadic conflict." In W.J. Gore and J.W. Dyson (eds.), The making of decisions. Glencoe, Ill.: Free Press of Glencoe.

BARBER, J.D. (1966). Power in committees: an experiment in the governmental process. Chicago: Rand McNally.

BROOKE, D.B. and BLOM, C.L. (1963). A strategy of decision: policy evaluation as a social process. New York: Free Press.

CHAFE, W. (1976). "Givenness, contrastiveness, definiteness, subjects, topics, and point of view." In C. Li (ed.), Subject and topic. New York: Academic Press.

CLARK, H.H. and HAVILAND, S.E. (1977). "Comprehension and the given-new contract." In R.O. Freedle (ed.), Discourse production and comprehension, vol. I. Norwood, N.J.: Ablex Publishing Corp.

DE LAGUNA, G. (1927). Speech: its function and development. New Haven, Conn.: Yale Univ. Press.

FIRBAS, J. (1964). "On defining the theme in functional sentence analysis." Travaux linguistique de Prague, 1:267-280.

KESSEN, W. (1966). "Questions for a theory of cognitive development." Monographs of the society for research in child development, 31:55-70.

OVERTON, W.F. and REESE, H.W. (1973). "Models of development: methodological implications." In J.R. Nesselroade and H.W. Reese (eds.), Life-span developmental psychology: methodological issues. New York: Academic Press

PERELMAN, C. and OLBRECHTS-TYTECA, L. (1971). The new rhetoric. Notre Dame, Ind.: Univ. of Notre Dame Press.

PIAGET, J. (1928). Judgment and reasoning in the child. Marjorie Worden (transl.). New York: Harcourt Brace.

WILLBRAND, M.L. (1980). "The other witchy-poos won't like you." Paper presented at the Mid-American Linguistic Conference, Univ. of Kansas.

WOHLWILL, J.F. (1970). "Methodology and research strategy in the study of developmental change." In L.R. Goulet and P.B. Baltes (eds.), Life-span developmental psychology: research and theory. New York: Academic Press.

THE USE OF ARGUMENT BY PRESCHOOL CHILDREN:

THE EMERGENT PRODUCTION OF RULES FOR WINNING ARGUMENTS

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Arguments are common in the interactions of young children (Bronson, 1975; O'Keefe & Benoit, forthcoming). The disagreements of preverbal children are characterized by the use of physical force to attain desired ends. With the development of language, social norms stipulate that disagreements are settled through verbal interactions. Haslett (1980) illustrates that children with only rudimentary verbal strategies are quite aware of this norm:

(1) (Kathy and Karen were fighting and screaming)

Tchr: Well, tell her to give it back.

(More screams)

Kathy: Give it back! Words! (p. 8)

The ability to resolve opposition through interaction is a social skill deserving attention. This paper analyzes the emergent production of rules for winning arguments in children's discourse. Section I provides a discussion of definitions and assumptions regarding argumentative interactions while Section II elaborates rules for winning arguments.

I

This section elucidates the perspective underlying the analysis provided in Section II. A generic characteristic approach is taken in defining argument as instances of overt opposition which exhibit a competitive-cooperative balance. The relationship between argument^1 and argument^2 is drawn with reference to the focus of this paper. Arguments are characterized as emergent productions and the rules for asessing winning and losing are seen as collaborative efforts. Finally, an attempt is made to glean information relevant to the nature of such rules from previous research on children's arguments.

It has been argued previously that a generic characteristic approach to the analysis of children's argument is preferable because it can best account for the entire spectrum of arguments produced.[1] Arguments label diverse sets of behaviors and are accomplished through a myriad of strategies. Yet, there are commonalities which allow us to group these phenomena. Two generic characteristics of argument are presented: overt opposition and the competitive-cooperative balance.[2]

Arguments occur when overt opposition is displayed between interactants. Opposition is generated when an interactant refuses to satisfy the wants of his conversational partner. Such opposition takes a variety of forms. For example, a child may make an assertion about the nature of an object while his partner refuses to confirm that definition of the situation:

(2) A: *That's a truck. Firetruck.*

B: Nope.

Or, a child may seek a particular action while his partner refuses to accept the request:

(3) A: Give me that.

B: No. It's mine.

Opposition defines the relationship between interactants. Overt opposition is a rejection of an interactant's definition of the situation and creates a strong demand to resolve the dispute in a manner in which face saving can occur.

The second feature of argument is the competitive-cooperative balance. Argumentative interactions are intensely competitive because they are the means of saving face once opposition has occurred. Winning an argument allows the disputed party to reassert his definition of the situation and emerge unscathed by the encounter. Losing the argument disrupts the orderly acceptance of situational definitions which normally operate between interactants and hence reduces the losing interactant's ability to assert his own needs. And yet, argumentative interactions are also cooperative endeavors[3] (Jackson & Jacobs, 1979; Lein & Brenneis, 1979, O'Keefe & Benoit, forthcoming). Interactants observe the rules of turn-taking, they collaborate in the development of coherent discourse within the argument by utilizing formal, structural, and topical connections, and they collaborate in defining the rules by which arguments are evaluated. Interactive arguments are "having arguments" and they cannot be entered into unless there is cooperative agreement on the rules by which conversants play the game.

The focus of this analysis is on "having arguments" or argument^2 (O'Keefe, 1977). This sense of argument attempts to display the nature of the interaction as the focus of inquiry. Argument^1, which is accomplished through the speech act of "making arguments," can be isolated from the interaction and analyzed apart from the argumentative transaction (O'Keefe, 1980). While the distinction between argument^1 and argument^2 suggests different research questions, it should not be assumed that they are wholly independent. Argument^1, accomplished through the speech act of "making arguments," is found in argumentative interactions (argument^2).

Consider the following example from the protocols:

(4) R: We goin' back in the gym yet? ((whinning))

K: No we ain't goin' back in the gym.

R: We can wait til (they) come out.

K: Nope. When they come out then it'll be lunchtime.

An analysis of this episode which adopts the second sense of argument would suggest that R's initial statement, although formed as a question, functions as a request to return to the gym. K indicates overt opposition by refusing the request. The request is modified when R suggests that action on the request can be postponed. K refuses the request even in this form but suggests a reason for his refusal. The use of reason giving which cannot be rebutted by R, serves as the termination of the argument. Within the argument sequence, an example of argument^1 can be isolated and analyzed in the first sense of argument. K's last statement "Nope. When they come out then it'll be lunchtime" offers a reason for his implied conclusion, "We can't go in the gym even if we wait until they come out." The essence of an argument^1 is a reason, rationale, or justification for a conclusion. This argument^1 can be removed from the interaction and be tested for adequacy of the data (Is it the case that there is not time to return to the gym before lunch?), relevancy (Is the claim that no time will remain relevant to the issue: Should we return to the gym?), or cogency (Is the claim that they will be playing in the gym until lunch a sound reason for not returning to the gym?). So, this interaction illustrates having an argument and a particular turn provides an instance of making an argument. This distinction has been drawn because it will be apparent later in the paper that emergent rules for evaluating arguments rely on two types of criteria: those which are largely interactional in nature and can't be isolated from the interaction, and those which are more typically identified with argument^1, in the sense that there is a reason, rationale or justification provided by the interactant. While it is possible to isolate the latter from the interaction, it is the purpose of this paper to analyze the occurrence of such arguments within their interactive context.

It has been suggested here that interactive arguments are characterized by overt opposition and a balance between competition and cooperation. They are collaboratively developed on a turn-by-turn basis. With each turn, the interactant may win, lose, or draw. The ultimate intent of the interactant is to prevail over his opponent and hence restore his own social equilibrium. Winning an argument is not equivalent to the cessation of overt opposition for an argument may precede to a draw and terminate:

(5) A: Give me that pig.
B: Nope.
A: You wanta give me that pig?
B: Nope.
A: Let's play with these blocks.

Rather, an interactant wins an argument when agreement is procured or the claim creating the disagreement is withdrawn. The means by which agreement or withdrawal are secured are defined within each argument. So, the rules of the game are acticulated and agreed upon by the interactants during the course of the argument.

A judgment that an argument has been won, lost, or drawn is based upon a collaboratively developed criteria. Collaboration is exhibited by an orderly sequence of turns in which a criteria is proffered and accepted through the production of a corresponding response or an implicit acceptance of the criteria (indicated by agreement or withdrawal of a criteria). The negotiation can be initiated by either interactant. A criteria may be advanced when the disagreement is initiated:

(6) A: I'm stronger than you are.

B: I'm ten times stronger than you.

C: I'm fifty times stronger than you.

In this instance, B (the disputant) offers the criterion of progression by formulating an utterance which is an intensification of the opponent's claim. This criterion asserts that the interactant who is able to produce the terminal intensification is the winner of that argument. The collaboration is evidenced as A accepts the criterion by producing a corresponding progression. An alternate structure occurs when the criterion is advanced by the disputed party following an initial assertion-denial pair:

(7) A: I'm stronger than you are.

B: Nope.

A: I'm so stronger. I can lift up a house.

B: Well, I can lift up the whole world.

These instances illustrate criteria which are readily accepted by the disputing parties. Yet, there are arguments where proffered criteria are rejected and alternates must be negotiated. While the argument continues on a content level, it is simultaneously a dispute over the rules of the game:

(8) ((The preceding argument concerns sharing the puzzle pieces))

C: I beatin you. ((at getting the puzzle pieces back in))

D: Uh. Ok. But I get this. ((another puzzle piece))

C: See I beat you.

D: I beat you up. I-I you better say yes ok?

C: Yes. Ok.

C attempts to win the argument by claiming competence over her opponent, (i.e., the interactant who can accomplish the task in the shortest period of time is the winner). D appears uninterested in this criterion in his turn but C readvances the criterion. In the last turn, D suggests an alternate criterion of intimidation (i.e., the interactant who can successfully threaten their opponent into agreement wins the argument) which is implicitly accepted by C in her agreement to "say yes."

Argumentative interactions contain topical coherence and are internally organized by the emergent production of rules. Structural units within interactions are referred to as rounds. A round is initiated when collaboration on a criterion occurs and is terminated when one of the interactants fails to meet the stipulations which have been agreed upon. At the conclusion of a round, opposition can cease (example 9), a second round can be initiated utilizing a different criteria (example 10), or a second round can be initiated utilizing the same criteria but with application to different content (exampie 11).

(9) R: You want to hug each other (a little)?
K: Shut up.
R: You don't.
K: You know what? I went to bed at nine-at ten o'clock.

(10) A: We don't have no books. . . So we can't read a book.
D: Heres-here's some books right here.
A: I know but I don't wanta cause Pam won't let us.
P: Yeah. You can read a book. If you want. It doesn't matter.

(11) K: (You just a big cry baby)
J: You look. When your mother get ugly-ugly. You'll be a cry baby.
K: I know you a cry baby. I said you gonna be a cry baby.
J: You I-I don't. I don't know who you're talkin to. You know you're talkin to
K: I don't know who you're talkin about either.
J: I don't know who you're taling to neither.

So, argumentative interactions or sequences can be composed of one or more rounds. When a series of rounds are played out, it may be possibe to speculate that an additional criterion is superimposed to judge the winner of the entire interaction (i.e., Is the winner of the interaction the conversant who wins the most rounds? Is the winner of the interaction the conversant who wins the rounds containing the most important arguments?) Albeit, an analysis of the data on children's arguments does not provide support for such speculation. Interactants are concerned with winning the round at hand and assessments of wins and losses over the course of the sequence are not apparent.[4]

Thus far, a definition of argument has been provided which suggests two generic characteristics of arguments as interaction: overt opposition and the competitive-cooperative balance. Is has been indicated that this inquring is firmly rooted in the second sense of argument (argument^{2}) although it is claimed that argument^{1} as articulated through the speech act of "making arguments" is found within interactive arguments. Arguments are emergent productions; they are developed turn by turn. The rules which determine a winning or losing argument are collaboratively built as the interaction unfolds. Interactions are partitioned off into rounds--where a rule is agreed upon and enforced until there is a losing party. It has been established that arguments are regulated by rules, but what is the nature of these rules in children's discourse?

In an examination of the role of discourse in children's arguments, O'Keefe and Benoit (forthcoming) articulate the position that rules for winning arguments are collaboratively developed by interactants as the argumentative interaction emerges. Brenneis and Lein (1977) and Lein and Brenneis (1979) suggest an analytical schemata for describing patterns of moves within children's arguments. Argument sequences are seen as arrangements of content and stylistic features into patterns of 1) repetition (A: I'm the strongest, B: I'm the strongest); 2) inversion (A: Hey, give me that pencil, B: No); or 3) escalation (A: I sock you in your nose, B: I sock you in the mouth) (1979,pp. 300-301). Content categories found in arguments are threats, bribes, insults, flattery, commands, moral persuasions, simple assertion, negating or contradictory assertion, denials, affirmations, supportive assertions, demands for evidence, and non-word vocal signals. Stylistic categories include volume, accent, speed, and intonation. Content and stylistic patterns are coded for white American, black American, and Fiji Indian children and cross cultural comparisons are made. Haslett (1980) adopts the same schemata and compares content categories for two, three, four, and five year olds. This developmental analysis concludes that verbal strategies for dispute settlement increase in variety and complexity. While the studies are descriptive of argumentative patterns, they provide only suggestive evidence of the rules which are articulated during an interaction to win arguments. The best example of this is the pattern of escalation which is identified by Lein and Brenneis but is not articulated as a criterion for winning arguments.[5] Benoit (1981) develops a system for coding strategies in children's arguments which is similar to the content categories illustrated by Lein and Brenneis (1979). In addition, an interactive analysis is applied which displays the escalation and de-escalation of an argument sequence. This is an initial attempt to evaluate winning and losing arguments over the course of an interaction. But, this analysis is not rooted in the assumptions that rules are cooperatively built by interactants and that the organization of the interaction is prescribed by the rules. It is, therefore, the case that the nature of such rules have not been explicated. It is the intent of Section II to undertake this task.

II

The interactions of preschool children in naturally-occurring and experimental-structured situations were used as a data base for this analysis. Eight hours of naturalistic data were collected while the experimental data were collected from approximately twelve dyads interacting for 15 minutes each. The experimental situation manipulated age (6 dyads were younger (2-4 years) interactants and 6 dyads were older (5 years) interactants) and activity (provision of an object of play or free play).[6] Instances of arguments were isolated and rules for winning arguments were derived by examining the collaboration of the interactants and the progression of the argument. Similar instances were grouped, labeled, and explicated to produce the following schemata of rules regulating the assessment of arguments.

Rules of Progression

The rule of progression states:

> When interactants have collaborated to engage in a series of mounting turns, the winner of the round is the interactant able to produce the terminal intensification at the turn switch.

An explication of the rule elaborates production rules for collaboration and decision rules which specify sufficient conditions for winning the argument round.

The rule of progression is operative when an interactant produces an utterance which is an intensification of a previous turn. Intensification is accomplished through two devices:

Type 1. Interactants claim that they possess a greater quality quantity, amount, or degree than their opponent in each successive turn.

(12) Joey: Alright. I can lift up this school. What can you lift up?

Ann: I can lift up your whole family. I bet you can't lift that up with one finger.

Joey: I can lift the whole world up with just one finger . . . finger.

Ann: Well I can lift up the whole universe. So why don't you be quiet about that?

Joey: Yeah. You too. I can . . .

(Lein & Brenneis, 1979, p. 310)

(13) John: My muscle's bigger than your muscles.

Mary: My muscle's ten bigger than yours. Yours ain't nothing but jello. You ain't got no muscles.

John: Girls don't have muscles. Girls don't have muscles.

Mary: I got some.

(Lein & Brenneis, 1979, p. 303).

(14) Da: Look. Look at her money Dervis.

De: Wow.

Da: And you--you only got one quarter.

De: And I got more money in my pocket. And its real money. Now you see this? ((puts money on table)) That is real money. That is not no fake money.

Da: Well that's more money she got.

De: That isn't real money. That is fake money.

Type 2. Interactants direct increasingly offensive, intimidating, or challenging utterances at their opponent in each successive turn. Type 2 intensifications are frequently exhibited in threat and insult exchanges.

(15) K: . . . What's this thing? ((points to numbers on the board)) I know what. Nobody knows that.

J: It's scribbles written.

K: It ain't. It ain't scribbles writing.

J: I bet you can't do this. Write your name.

K: Yeah. Can you do this? ((write on the board))

J: Well. You can't write cursive.

(16) Your mother got on sneakers!

Your mother wear high-heeled sneakers to church!

Your mother wear high-heeled sneakers to come out and play on the basketball court.

(Labov, 1972), p. 163)

(17) J: ((K pretends to hit J)) You do it and I'll knock you in the side.

K: You think your stronger boy than me?

J: You won't do it to me.

K: I'll knock you up there boy ((to the ceiling))

Conversants collaboratively define the judgment rules as the interaction emerges. When the progression rule is adopted, collaboration is exhibited by a corresponding turn. In each of the examples above, both interactants intensify utterances and by doing so, signal their acceptance of this criterion.

When progression has been proffered and accepted, the rule prescribes that the winner is the last conversant who is able to produce an intensification when it is his turn. A series of decision rules are implied and require explicit articulation in the form of decision rules.

1. The interactant must produce the intensification at the time of the turn switch.

Conversation is a rapidly paced activity that demands appropriate conversational turns at each turn switch. A turn switch occurs when a conversant relinquishes the floor to another interactant. In progression, the interactant is obligated to produce an intensification when it is his turn. An extended hesitation or an inappropriate response at the turn switch are sufficient reason for losing the round (see example 12).

2. The interactant must produce a unique intensification.

Repetition of a previous utterance is not enough to win an argument. If both interactants resort to repetition, the result is a draw. If one interactant is forced to utilize repetition while his opponent creates a novel intensification, the round is lost.

(18) Mary: You need to take your exercise every day.

John: You need to take your exercise every week.

Mary: You need to take your exercise every day.

John: You need to take your exercise every year.

(Lein and Brenneis, 1979, p. 312)

3. The types of intensification are not interchangeable within rounds.

When the device for intensification shifts, it signals the end of a round and the beginning of a second round in which interactants may collaborate to employ the rule of progression once more. The interactant who produced the last device in the first round is the winner of that round (see example 11). A second round can then proceed with another intensification device.

4. Intensifications can be rejected if they are treated as ludicrous by the interactants.

Particularly in fantasy play, the mounting claims of interactants sometimes become fanciful and unrealistic. These assertions can be accepted as interactants mutually construct fantasies or they can be rejected for claiming the ridiculous. When the latter occurs, the intensification is discounted and the interactant loses the round.

(19) Ann: I could lift up a boulder with one toenail.

Joey: I could lift up a boulder with nothing ((laughter))

Ann: How could you lift it up with nothing? It would come down and smash your head open . . . open . . .

Joey: I could lift it up with a little teeny wittle piece of dirt . . . with my finger under it.

(Lein & Brenneis, 1979, p. 312)

Interactants who choose the criterion of progression must be able to create an appropriate intensification in the heat of an argument and continue to endure longer than their opponent. The device of progression is accomplished through the emergence of interaction and is dependent upon stylistic features of the talk.

Rules of Equivalence

The rule of equivalence states:

> When interactants have collaborated to engage in a series of turns with semantically equivalent items, the winner of the round is the interactant able to produce the terminal equivalence at the turn switch.

The rule of equivalence is similar to the children's game of "categories" in which players name a category (e.g., fruit, flowers) and each must name an item within that genre. The winner of the game is the player who can continue naming items when his opponents can no longer participate. Semantically equivalent items do not escalate the interaction as in progression; rather, they are comparable in both force and class. Collaboration on the criterion of equivalence is displayed by a corresponding utterance.

(20) Raj Kumar: I'll knock you into the mango tree.

Dil Dutt: I'll knock you into the orange tree.

Raj Kumar: I'll knock you into the lichi tree.

Dil Dutt: I'll knock you into the tomaird tree.

(Lein & Brenneis, 1979, p. 303)

(21) De: You need a blue face Danielle.

Da: Ya Ya Ya. You-your face.

De: Your face is yellow.

Da: Unhuh. Your-your face is black. Ooose ((disparaging))
Your--that's your face.

De: Your-your face is pink.

Da: Your-your face is uh blue.

De: Your-your face is red.

(22) Di: I'll kill your neck.

Si: I'll kill your bones.

Di: Ooh! ((unintelligible)) I-I'll

Si: And then I'll kill your jaw.

Di: Ooh! I'll kill your boobs.

Si: Oooh! Oh!

The decision rules for enacting equivalence are similar to those discussed earlier:

1. The interactant must produce the equivalence at the time of the turn switch. It is argued that arguments do not wait for interactants. Turns must be produced at the turn switch. Failure to do so results in a loss of the round.

(23) Tim: You're skinny.

Tom: You're skinny.

Tim: You're scrawny.

Tom: You're . . . I don't know.

(Lein & Brenneis, p. 304)

2. The interactant must produce a unique equivalence to win the argument.

The observance of this rule is apparent in the examples provided. In each instance, a novel item is produced by the conversant. Repetition of an item does not allow an interactant to surpass his opponent.

3. The interactant must produce an utterance which contains an item within the genre which has been collaboratively agreed upon by the interactants.

The rule of equivalence prescribes that utterances contain semantically equivalent items. Interactants agree upon this regulation and settle upon a particular genre for the course of the round. An interactant who fails to select an item within that genre, is seen as the loser of the round. In this case, the conversants settle upon animals as the genre but JJ introduces a discordant item:

(24) JL: My mother bring me some pig. And a cow.
JJ: Unhuh. My mother bring me that ((pig)).
JL: Unhuh. My mother bring me some of that ((horse)).
JJ: So? My momma bring me a walkie talkie.
JL: No.

The interactants who agree to apply the rules of equivalence have in some ways opted for a simpler device than that of progression. This rule does not obligate conversants to escalate each utterance; yet, the selection of the genre influences the difficulty of playing the game. Producing an utterance within an expansive genre(e.g., parts of the body) is easier to execute than within a limited category (e.g., brothers who can beat you up). Equivalence is a stylistic device bound within the interaction and constructed with the emergence of each turn.

Rules of Documentation

The rule of documentation indicates:

When interactants have initiated an argument round with an assertion-denial sequence, the interactant who is able to produce an accepted documentation upon demand for a claim is the winner of the round.

Underlying the rule of documentation is the presumption that "he who asserts must prove." An assertion-denial pair leads only to a draw between interactants; both hold contrary positions but neither is in a position of strength. To tip the balance, a conversant may opt to proffer documentation as a criterion. Interactants exhibit collaboration on this rule when a challenge for documentation is issued and a response is provided or when evidence is supplied in support of a claim and it is acknoweldged by an opponent. In each case, the legitimacy of the rule is established and the stipulations prescribed by the rule are executed.

Documentation for claims occurs in two forms in the children's argements.

Type 1. The interactant provides physical support for a disputed claim.

(25) John: Girls don't have muscles. Girls don't have muscles.
Mary: I got some.

John: Where they at?

Mary: On my arms right here.

John: There ain't nothin' but bones.

Mary: You got fat meat on your arms cause your fat.

(26) JL: You ain't fix.

JJ: I got it. I fix that.

JL: Unhuh. You can't fix that.

JJ: I done. See?

JL: You got to fix that.

(27) C: Lug lug a ling go ma ma ring ((telephone ring))

D: You don't have a telephone.

C: Yes I do.

D: Where is it?

C: Right here.

D: Unhuh.

C: Unhuh.

D: Unhuh. That is a telephone. I had it.

C: See? This a telephone. ((points to another piece))

Type 2. The interactant suggests that a source supports the disputed claim.

(28) A: Your daddy cook it.

M: Unhuh.

A: Your daddy cook it. My momma say your daddy cook it.

(29) ((The argument concerns whether the children should read the book. Amy argues.))

A: I know but I don't wanta cause Pam won't let us.

If the documentation is accepted, the interactant supplying such proof of his assertion wins the argument. However, documentation may be rejected by an opponent. The rules which regulate such rejection specify that a relevant reason must be provided which can then become the subject of argument. A rejection of evidence without reason does not diminish the strength of such proof and the interactant providing the documentation is the winner of the round. When an accepted reason for rejecting the evidence is presented by an opponent, the evidence is discarded and the interactant initiating the rejection wins the argument round. It might be assumed that the rejection of documentation would return the conversants to the initial stage of contrary positions and a judgment of a draw, but this is not the case. The rejection signals the inability of the interactant to prove his assertion and hence is judged as a loss. In this example, the first child demands proof that there are big blocks left in the box, De documents through physical support by searching or a block and finally presenting it to her opponent. The physical proof is rejected by a reason (that the block does not belong to the set because it does not have a hole). The reason is accepted and the child presenting the rejection is seen as the winner of the round:

(30) Da: No big one. ((no big blocks left in the box))

De: Unhum. I see if in there.

Da: Where?

De: In there.

Da: Where?

De: Shhhhh. ((looks through the box and brings a block out))

Da: Nope.

De: It's yellow. ((looks through and brings out a yellow block))

Da: That--that go to somethin--something else ((the yellow block doesn't have a hole in it))

De: Yeah.

From this description, three production rules can be articulated:

1. The interactant must be able to produce documentation in the turn following the demand from an opponent.

2. The documentation must be relevant to the claim and provide support by physically proving the assertion or providing a source which will corroborate the claim.

3. Documentation can be successfully rejected by an interactant by providing a relevant reason. An accepted rejection is sufficient cause to win the round.

The rule of documentation occurs in discourse where interactants have established their opposition with an assertion-denial sequence and in instances in which physical support or evidence from a source can be garnered to support a claim. Documentation must be relevant to the claim, produced upon demand from the opponent, and accepted unless an appropriate reason is given for rejection. Documentation is a logical criterion for assessing arguments. It is used in "making an argument" as well as functioning within "having an argument."

Rules of Reason Giving

The rule of reason giving suggests:

When interactants have initiated an argument with an assertion-denial sequence, the interactant able to produce an accepted reason for a claim is the winner of the round.

The rule of reason giving is quite similar to the rule of documentation. Both are forms of support for assertions and are thus found in arguments which have been initiated by assertion-denial sequences. In each instance, the support may be offered within the denial or may follow the initial sequence. Both are dependent upon logical criterion and can also be analyzed as phenomena outside the context of the interaction (argument).

The distinction between the rules is the essence of the support. The rule of documentation utilizes external proof while the rule of reason giving offers a rationalization or explanation which justifies the claim. For particular arguments, one type of support may be more readily available than another. If the claim is that a telephone exists, it may be easier to provide physical support (e.g., the telephone) for the claim than to argue the reason why a telephone would exist in the room (e.g., This is an office. Offices typically have telephones. Therefore, there is a telephone in the room). On the other hand, if the dispute centers around the action that interactants should engage in, it is more likely that a justification will be offered (e.g., We should play outside because it is more fun).

Interactants must collaborate in the development of this criterion before reason giving will have any impact upon the agrument. In this excerpt, the child offers a reason to stay in the playroom but the adult supervisor does not cooperatively negotiate for the acceptance of this criterion. As a result, the reason does not matter and the child is forced to leave the playroom:

(31) A-Mr: Ok. Ebony come on over here.
E: I'm make play with these and I make play with these.
Mr: Come on Ebony. Come on. Put that down.
E: I'm make play with these ((E leaves with Mr))

Collaboration upon this rule is exhibited in the talk when a reason is proffered and acknowledged (examples 32 and 33) or when the interactants confirm the criterion by focusing upon reasons as the topic of talk (example 34).

(32) D: Do you want to take those animals off?
S: No. No.
D: Yeah.
S: No.
D: Yeah.
S: They might get us (Don't get em) ((remains seated))

(33) K: Here go my bank. I brought me some bank. A bank.
Da: That ain't no (bank).
K: What? Ohoh. Here go my bank.
Da: Here's some black milk.
K: Hey. This ain't milk.
Da: This ain't no bank either ((Da laughs))

(34) R: We goin back in the gym yet?
K: No we ain't goin back in the gym.
R: We can wait til (they) come out.
K: Nope. When they come out then it'll be lunchtime.

The conversant supplying an accepted reason is the winner of the round. If a reason is rejected, it must be accompanied by a counter reason (see example 34) or a rationale which challenges the reason. If the rejection is accepted, the interactant arguing the rejection is viewed as the winner.

The production rules based upon this description indicate:

1. The reason must be relevant to the claim and provide support through a rationalization or explanation which justifies the claim.

2. Reason giving can be successfully rejected if a relavent counter reason is offered or a reason is challenged. A sufficient rejection is cause for winning the round.

Rules of Intimidation

The rule of intimidation states:

> When interactants are compelled to collaboratively accept intimidation as a criterion, the interactant able to elicit agreement or withdrawal from an opponent wins the argument.

Intimidation is the verbal equivalent of physical force. It presumes that agreement, no matter how it is obtained, is binding upon the opponent and that silence (withdrawal) from the fray is implicit consent. Intimidation is enacted cooperatively when interactants are compelled to accept it as a criterion. Cooperation, in this sense, does not mean that both interactants are pleased at the outcome. Rather, it means that is has been accepted and the consequences prescribed by the rules are recognized.

Intimidation is accomplished through threats and insults. Intimidation must meet the following conditions to be compelling:

1. The interactant must perceive that his opponent is capable and willing to execute the threats.

2. The interactant must perceive that the possible consequences of the threat are more damaging than the effect of losing the round.

3. The interactant must perceive that his opponent would win the round if the rule of progression were adopted and reciprocal threats or insults were issued or reciprocal threats or insults would not meet the compelling conditions listed above.

These conditions suggest that interactants do not willingly collaborate in the acceptance of the rule of intimidation unless they are coerced to do so.

(35) D: I beat you up. I-I you better say yes ok!

C: Yes. Ok.

(36) ((Chris and Charisse are arguing about whether Ebony should be allowed to play))

Ch: I don't want to talk to you. You ain't my friend.

C: Charisse come here. Come here.

Ch: No.

C: I not gonna play with Ebily.

This section has displayed a number of rules that are utilized by children to assign winner or loser status to interactants in argumentative encounters: progression, escalation, documention, . reason giving, and intimidation. Decision rules are included which influence the application of the rules. The criteria are collaboratively developed by interactants as the argument round unfolds. Although arguments exhibit overt opposition and conversants must compete to assert their own definition of reality, they are inherently cooperative endeavors. To play the game, conversants must agree on the rules. Arguments are rule governed and socially organized events.

The acquisition of verbal means for dispute settlement and the development of interactional skills for executing the rules are important in the development of communication competence.

NOTES

[1] It is argued in O'Keefe and Benoit (forthcoming) that three other strategies for defining argument exist in the literature: discourse genre, structural, and paradigm case. Each restricts the instances which would be coded as argument. The generic characteristic approach is suggested as an alternative which allows inquiry into the broadest range of instances of argument.

[2] Overt opposition is the only characteristic advanced by O'Keefe and Benoit (forthcoming).

[3] This does not claim that every argument is characterized by cooperation at all of the levels indicated. In fact, arguments in this sample indicate that collaboration does not always occur on the rules for evaluating arguments. Arguments are sometimes so brief that collaboration does not occur. In other instances, interactants appear to argue within a vacuum, utilizing their own criteria rather than developing an agreed upon set of rules. It must be noted, however, that these instances are infrequent.

[4] However, this does not suggest that a position taken in an earlier round lacks influence on the course of the argumentative interaction.

[5] Escalation is similar to the criterion of progression.

[6] The transcripts were originally produced as data for a dissertation on coherence production (Benoit, 1979). Both naturalistic and experimentally structured encounters were transcribed. Unless otherwise noted, the examples provided in the text are taken from these protocols.

[7] The text details rules for winning argument rounds. But, there are also rules for bringing arguments to a draw. In this data base, two are apparent:

Rules of Defensive Maneuvering:

When it becomes apparent to an interactant that he will lose the arguemnt round, collaboration in shifting the opponent from a offensive to a defensive position leads to a draw.

C: You wasn't in here.
M: Yes I was. Yes I was.
C: I didn't see you.
M: You wasn't.
C: I was.
M: You wasn't.
C: Unhuh ((louder)) You saw me play with Amy. Den you said we's rich honey. (Didn't you Michael?)
M: Uh. Yeah. I said that. Y'all siad, I said poop stank.

Rules of Co-optation:

When it becomes apparent to an interactant that he is unable to defend his assertion and will lose the round, collaboration in coopting the position of an opponent leads to a draw. Co-optation occurs when an arguer takes the position of his opponent and claims it as his own.

** T: Board.
D: No.
T: I did. That is a (board). Huh?
D: That's not a (board). That's Pam's. That's a recorder.
T: Like I said that's not a board.
D: You -- Didn't you say it?
T: And I record it back these toys.
D: Good. That's

** D: Not me either ((did not get Easter candy))
G: Yes you did.
D: Not you.
G: Umhum.
D: Why?
G: Because I don't get none.

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REFERENCES

Benoit, P. A descriptive study of coherence in naturally-occurring and experimentally structured conversations of preschool children. Unpublished doctoral dissertation, Wayne State University, 1979.

Benoit, P. Argumentation in children's discourse. Paper presented at the Central States Speech Association, Chicago, 1981.

Brenneis, D., & Lein, L. 'You fruithead': A sociolinguistic approach to children's dispute settlement. In S. Ervin-Tripp & C Mitchell-Kernan (Eds.), Child discourse. New York: Academic Press, 1977.

Bronson, W. Development in behavior with age-mates during the second year of life. In M. Lewis & C. Rosenblum (Eds.), Friendship and peer relations. New York: Wiley, 1975.

Haslett, B. "I'll give you a knuckle sandwich:" Preschooler's resolution of conflict. Paper presented at the Speech Communication Association, New York, 1980.

Jacobs, S. & Jackson, S. Collaborative aspects of argument production. Paper presented at the Speech Communication Association, San Antonio, 1979.

Labov, W. Rules for ritual insults. In D. Sudnow (Ed.), Studies in social interaction. New York: Free Press, 1972.

Lein, L. & Breeneis, D. Children's disputes in thress speech communities. Language in Society, 1979, 7, 299-323.

O'Keefe, B. & Benoit, P. Children's arguments. In R. Cox & C. Willard (Eds.), Advances in argumentation theory and research. Carbondale, Ill.: Southern Illinois University Press, forthcoming.

O'Keefe, D. Two concepts of argument. Journal of the American Forensic Association, 1977, 13, 121-128.

O'Keefe, D. Is argument[1] a speech act? Paper presented at the Speech Communication Association, New York, 1980.

NEGOTIATING THE ROLE OF FRIEND

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I

Many popular (and some academic) conceptions of argumentation view the process as fighting. The method of fighting is only one way to accomplish the doing of argument. As the title of the paper indicates, we shall focus on another method--negotiating. Because of confusing uses of these terms as method of argumentation, we present definitions which should create an "agreement" between writers and readers for the duration of this paper. Five specific methods of argumentation are:

1. Fighting. The goal of fighting is winning in the competitive situation of party versus party. The strategy most often employed is intransigent, never yield while there is still a chance.
2. Bargaining. In bargaining the maximum rewards and minimum losses is the goal. Such goals are likely reached by agreeing with another only when it appears personally beneficial.
3. Understanding. The legitimacy of institutions or people is a primary goal. Legitimacy is accomplished through some form of "reasoned discourse."
4. Discovering. A mutual expansion of knowledge is the usual outcome. The argumentative process to knowledge is the dialectic.
5. Negotiating. The cooperative goal is both parties achieving similar benefits. The goal is accomplished through strategies of mutual accommodation.

These five methods may be viewed as a continuum. Fighting is almost entirely focused on the individual. The primary focus of negotiating (the other extreme) is the relationship between the parties. Bargaining to understanding to discovering move from more individual to more relational focus.

Because we are operating at one extreme of the continuum, a brief discussion of both extremes may aid the reader in later sections of the paper. The intransigent, never say die, strategy of competition may be demonstrated by examples. A focal point of a debate "team" effort is to win while losses (never wins) are blamed on squirrel-like judges. As a debater I was never "coached" to embrace the other side's issue and work out a reasonable solution unless it was a tactic for winning. Another example of the fight analogy comes in a recent study of reason-giving (Rieke, 1980). In this study subjects were instructed, "Your assignment in this verbal interaction is to get me (leader of the student seizure) to agree to release the hostages. Give me any reason you want to." (p. 9) The experimenter interacted only to ask for more reasons or to reject those given. The very nature of the task, gaining the release of hostages, set the competitive orientation of fight--maybe even the ultimate extension war. Beyond the nature of the task when subjects ran out of reasons, they were encouraged and prodded to offer still more reasons for release. This research strategy forced subjects to become more uncompromising rather than asking for alternatives to demanding release. We do know from published news releases the final release of the hostages from Iran was achieved not by uncompromising demands but intricate monetary, political, and social agreements.

Fight's competition as opposed to negotiation's cooperation is similar to the conception of fixed-sum versus variable-sum situations (Smith, 1972). The fixed-sum situation, competition, occurs when the gains or wins of one person come at the expense of another person. For instance, in backgammon the win is always related to somebody losing. Cooperation has a much different end product.

> In variable-sum situations we believe that if we behave appropriately, the total rewards available may be increased; hence both parties may benefit by acting to increase the total benefits from the transaction. (Smith, 1972, p. 6)

Cooperation provides benefits for all parties involved. The end state is mutually gainful and rewarding to the participants. The outcome, then, of negotiation is not winners and losers but only winners to some degree.

To cooperate the process of accommodating is invoked. The people create shared parts of ideas, meanings, or personalities. The sharing arises from felt pressures or needs between people. As meanings are shared, the _You_ and _I_ give way to a notion of _We_ (Schutz, 1970). The particular individual becomes less important and the relationship (We) becomes more important in the context. In accommodating people offer only certain portions of themselves or their ideas to a greater utility/benefit found in relating with others.

The inherent rule of the fight--winning--dictates that argumentation will be of an intransigent nature--you against me. The inherent rule of the negotiation--mutuality--dictates that argumentation will be of an accommodative nature--we are sharing. Which method becomes most fruitful in an area of study is dependent on the product and process necessary for the social actors to accomplish their activity. In the interpersonal area of friends, the method of negotiating seems most operable. To the degree that friends find mutual benefit in the relationship, the method of negotiation will help explain communicative behavior.

II

For the purposes of this paper, interpersonal communication shall be treated from the perspective of symbolic interaction. A tenet of symbolic interaction holds that each person performs an interpretative process by which they attach meanings to objects. The individual interpretative process is influenced by a history of social and cultural factors. The attached meanings (often called definition of situation) are constructions of what the individual thinks is real. Objects offer stimulation, but it is the individual's interpretative process that creates meaning of an object.

Another tenet of symbolic interaction is that people talk about their interpretations to arrive at shared meanings. As social creatures human beings are not complete without a sharing of the meanings held toward an object. It is at the point of sharing meanings that the negotiation process is active. As people attempt to share meanings, they offer reasons for their personal interpretation, listen to reasons of the other person and through such exchanges arrive at agreed to meanings. The negotiated meanings are not the property of an individual, but a property of the relationship between individuals. "Without shared meaning, people lack the ability to act toward a thing and toward each other." (Hall, 1980, 50)

Generally, the writings in symbolic interaction have seen the sharing of meanings as consensual, democratic, peaceful solutions. In reviewing studies of a variety of social organizations Hall concludes

> that organizational life was characterized by change and the development of a negotiated order in which participants worked out shared agreements and tacit understanding to everyday contingencies and ambiguities. (1980, 53)

The everyday contingencies and ambiguities create conflict and tears in the fabric of relationships. The management of conflict and mending the fabric may come through negotiation. Typically, the offering of reasons begins the negotiating process which moves through cycles of sharedness to a "negotiated order."

Symbolic interaction articulates a difference between traditional and unique role sets (Faules and Alexander, 1978). Traditional role sets are social prescriptions about how one person should act toward another. As an example on the first day of class students appear eager, have notebooks, and treat an unknown instructor with a certain deference and authority; the instructor for her part has a syllabus, course information, dresses better than normal and speaks in instructor-like language. The unique role set comes about when people negotiate acceptable self latitudes of behavior that are not socially prescribed.

Continuing the instructor example--a student toward the end of the quarter may playfully punch the instructor in the shoulder upon hearing a point of disagreement. As people continue to stay in contact with each other, the traditional role set becomes less important and the sharing of mutually negotiated selves in unique role sets becomes the rule. To accomplish the movement toward unique role sets, social actors' talk begins to offer reasons for non-traditional role behavior. The progress toward unique role sets is often emergent rather than calculated. As people talk more and come to have a relational "history," they become more likely to do activity which is unique to the pair.

Whether talk is aimed at resolving conflict or creating the unique role sets of the relationship, symbolic interaction contends that negotiation is primary descriptor of these talking situations. The negotiating process toward sharing in a relationship is marked by accommodating with a goal of cooperation. Specifically this paper asks what are the means of negotiating and how are the means used in becoming and maintaining friends?

To answer the question of this paper and stay consistent with a symbolic interaction perspective, a descriptive study was performed.

The particular method employed was the intensive interview.* This interviewing technique allows for long, free-flowing discussions between participants and a researcher. The method is employed to develop as much "intimate familiarity" with specific friendship pairs as possible without actually being with the pair each time they talk. Each friendship pair met with a researcher once a week for at least one-half an hour for at least eight weeks.

The interview technique is to be as non-directive as possible. For this reason the researchers opened each meeting with the same question--What have the two of you talked about this week and how have you talked about it? The researchers in subsequent talking turns would generally seek clarification or use probes to keep the talk going. All friendship pairs were recruited as volunteers and no rewards or credits were offered as benefits. Audiotape recordings were made of each session. The recordings were listened to and selected portions were transcribed. The transcribed portions were any comments which either researcher found to be in the area of negotiation. For this study, most friends' talk comes from four pairs. Each pair has a particularly identifiable character:

a. two women in early twenties, single, childhood friends, finishing education (one in college, the other vocational nurses training), and both very religious;

b. two women in college, roommates in an off-campus apartment, met at school;

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*For a complete discussion of the methodology and the larger study of which this is a part, please see Alexander & Newell, 1981 and Newell & Alexander, 1981.

c. two graduate students in their late twenties, one male and one female who share a house (to be explicit roommates not lovers), both are studying in the social sciences but not communication; and

d. two "non-traditional" women students, both have returned to school midlife, their children range in age from 7 to 18, one is divorced and widowed the other is married.

The method of analysis is best described as descriptive critical. The particular utterance of a participant or series of utterances are sorted into what appear to be meaningful groupings by the researchers. No preconceived category system is used; rather the researchers search for meaningful groupings through the actual talk. The groupings are sorted many times and exchanged between the principal researchers. The best test of the descriptive critical analysis is whether the reader makes sense of the groupings presented in results. Each result or grouping should be accompanied by several examples to demonstrate the point. In order to make the examples more readable as few items about the notation system must be mentioned: particular friendship pairs or people are not identified; if more than one talking turn is used, the first speaker is always identified as J and the second D; if the turn is interrupted, the interruption is noted by three periods; and single turns as examples are not identified by a letter.

III

To present some selected results of our findings on friends' talk, two general areas shall be discussed. The first area deals with three particular ways friends express their sharedness. By talking about sharedness friends express a quality of what friendship is. Part of the structure of friendship is based on talk which displays the unique or sense-making or reinforcing elements of friendship.

The second section of results shall examine four specific behaviors of friends which demonstrate negotiation. When friends are actually doing talk, we have the opportunity to view how talk and specifically negotiation are accomplished.

BEING FRIENDS

UNIQUE

Friends find a variety of ways of saying they are different from one another. The complement of differences adds to the relationship. First, friends may see different admirable qualities about one another. In the following example the quality being admired is the uninhibited and unembarrassed behavior of the one friend:

J: She looks at it from a different uh I didn't look at it
as anything...
D: I said "I love you, you got so much guts I wish I had more...

> J: Well it's over...
> D: How did you get so uninhibited?
> J: Work
> D: You had to work at it? But you never get embarrassed about it. I get embarrassed.
> J: Not very often
> D: Maybe it's different

The complement here works a couple of ways (1) the friend can act as role model of an admirable quality, (2) the friend can act as informant about the how--"work," (3) the friend can serve as surrogate for the fantasy you--"I love you, you got so much guts I wish I had more." The individual differences of friends provides a person with an opportunity to benefit from another perspective.

The next example shows specifically what differences exist between a first born daughter and a family's "baby girl" to create the complementary difference of being friends:

> One thing that I think--we talk about our social life too much. Susan's the oldest and I'm second to the youngest, baby girl, so I have older brothers and sisters uh sisters so I kinda, when I need advice I talk to my sister who is married and very conservative and doesn't want anyone to get hurt. Then I talk to Susan who is more daring and you know she's the oldest, kinda, ya know, and so we had a really opposite point of view so we complement each other very well.

So the unique differences of a friend serve to extend one's own self.

Beyond the individual differences a friendship pair expresses, what makes them distinctive as a pair? The friends may contrast their relationship with their relationships with others. In the following example the friends are roommates. The reference is to X, another roommate who had moved in 5-6 months earlier.

> And it's a nice household, it's a really good household. But there isn't the same kind of, I don't know, depth there yet I guess maybe. Except by this time having known you this many months I already had a certain depth that I don't have for X.

So the focus on differences and distinctiveness is a way of emphasizing the uniqueness or the specialness of the relationship. In one particular pair, one friend would often proclaim "We are unique!" The woman often offered this statement as the only explanation for the behavior of her friendship pair. Not uncommon among the friends we interviewed is the conclusion that friends may grow together to develop a bond similar to kinship:

> J: We had a really good week or something and we talked quite a bit about, about how we were different than other people who live together and that most people that live together don't really have that close of a relationship--they're just roommates.

D: They live their lives separately whereas we kind of have a family situation.

By means of bonding, differences, and role complement, friends' relationships become a unique entity. The unique friend role serves as an extension of the self for each member.

SENSE-MAKING

Part of the sharedness of friendship comes from helping one another make sense of situations. In this first example, the person's comment may sound confusing, but it clearly labels this abstraction as sensemaking:

> It's good to know that somebody else is feeling the same way that I am too and uhm you know, we'll be talking and I'll say "Ya I know I feel exactly the same way--but this is how you gotta do it" and I'll give my opinion on, you know, my views and if it makes sense, you know, it'll make sense to her and what she'll say it'll make sense to me.

The sense-making occurs by seeing the parallel nature of friends' experiences and being able to talk through the experiences:

J: But like I said in the car that you and I are on a parallel course of--of something or another.
D: We've noticed that we go through our ups together, we go through our downs at about the same time, we're on with relationships at the same time, they're falling apart at the same time.
J: (giggle) ya
D: It's been real strange

Friends seem to go through a dialectic using their common or parallel experiences as a base and their different perspectives as unique individuals to work out a shared sense-making of themselves and the world around them.

Sense-making is an ingredient in the felt crisis. A friend will take time away from a personally important task to help another understand the crisis:

J: And yet it's been--you know I mean there's been a lot of kidding on a day to day basis but it's like when the chips are down uhm the other person has been there. Like a couple months ago I went through this real intense time over this woman that I was breaking off a relationship with. And I was having one particularly bad day and she was only a week away from her--or was it 2 weeks away from your comps at that point?
D: Ya
J: for her Ph.D. so she was under a lot of pressure and yet she took the whole evening off and you know just spent it with me just talking about this and really helped me through this crisis a whole lot. That was a real real bad day. Really bad.

The key ingredient of the shared sense-making of friendship appears to be an ultimate, implicit acceptance of the other. In this last example, a woman who has maintained very traditional roles explains why the new friend is important to sense-making--the new friend offers no constraints and finds different behaviors to be okay:

> J: J changes when she drinks. D brings a part of me out that has never ever been out before--it's real uh sometimes it causes problems but it's so much fun. I've never had this much fun before in my life maybe when I was thirteen. I can be what I want I have no constraints. No matter what I do it's okay with her.

So a shared sense-making also serves to extend one's self as the sense-making process includes (1) acceptance of each other, (2) shared or parallel experiences, (3) a confirmation of one's own sense-making, and (4) an extension of one's own sense making with the added perspective, experience of the other.

REINFORCEMENT

Friends spend a great deal of time reinforcing one another. This support varies from confirming one's judgment to one's sense-making to one's self. In this first example, one woman explains that praise for a "guy" she has been dating reinforces her and her judgment:

> But it's a reinforcement. In fact, when we went for a walk on Sunday we took turns and said what we thought was really cool about the guy. It was an outright pat on the back type of thing.

The helping one another make sense of common areas of interest is reinforcing in itself:

> J: ...so I can get feedback from her and she can tell me what she thinks about it an' so the situation becomes clearer.
>
> D: One thing I noticed, how much of our conversation is about boys. And how much of it is just reinforcing.

Beyond verifying the person's judgment and sense-making, the reinforcement comes in the form of direct compliments:

> J: But as long as it comes from the fact that we spend a lot of time building each other up.
>
> D: Sure.
>
> J: And so that we can, in fact we have these sessions with okay I want to tell you what I think is neat about you, know, I think it helps, this is really neat. And sometimes it will be you tell me what is really neat about me. And so we spend a lot of time doing that.

In order to provide mutual support one friendship pair stresses the importance of being able to switch roles:

J: We serve as support and advice for each other; it's not one person playing one role all the time. See that's exactly what takes some doing eh...
D: The thing is right now is she is the parent and I'm the uh she is the adviser and I'm the advisee or whatever it is right now. Where normally I am the advisor uh I feel, don't you feel that way?
J: um hum...

Finally, this last example is a brief but important demonstration of reinforcement--a negative comment is immediately and directly denied:

J: So she dragged me to church...
D: Dragged nothing, you were okay.

While reinforcement may come in many forms, it serves to strengthen the bonds of the relationship. And if one views the friendship relationship as an extension of self then reinforcement of other serves to reinforce self.

DOING FRIENDS

We do not mean to imply all is sweet and wonderful between friends. Friends may suffer from rending conflicts just as the individual may suffer from intrapersonal conflicts. However, given the special identity of the friendship relationship as an extension of self the stage is set for accommodation and cooperation as opposed.to intransigence and competition. When friends find themselves in opposition, their relationship provides a compelling common ground for the resolution of the problem--the problem becomes shared as opposed to individual. The reasoning of friendship--that the relationship is unique, a place for sense-making and reinforcement of self--provides the logic for reason-giving in the negotiation process.

As friends talk in their everyday lives, they must manage both agreements and conflicts. In doing the talk which leads to cooperation, friends exhibit accommodating behaviors. Four specific areas in which friends are doing accommodation are presented: key phrases, making space, making time, and taboo topics.

KEY PHRASES

Friends may use idyosyncratic words or phrases as a means to signal a personal need or to suggest what is needed relationally. For example, one friendship pair explains to the researcher that they don't "argue" rather they "discuss." The signal they use for one another when a problem needs to be worked out between them is "Let's go for a ride...". They explain:

J: We'll be together either work it out or just say I hope you work it out. We'll say--'Let's go for a ride and get this thing worked out.' We've never really been mad at each other.

D: not really mad.
Interviewer: Never really argue?
D: We've discussed. [to friend] I think I've been mad at you before but it really hasn't made any difference.

When strain is perceived in the relationship, the phrase "Let's go for a ride..." serves as a means to begin negotiation. The phrase sets the standard for "discussion" as opposed to "argument" (friends tend to use argument to describe an emotionally-laden, discussion with intransigent positions). The pair views talk in working out problems as mutual help rather than confrontive.

In the second example the friendship pair explains the signal "we could always go roller skating":

J: D really loves to go roller skating and I have to be in a certain mood so when we're really getting silly and desperate D says--"We could always go roller skating." And see we uh have little things we, I don't like that and she does like that. So we know each other's weaknesses and uh if something gets too close too hairy to discuss you uh wa ...
D: too hairy to discuss, but I can't remember anything.

Here the friends use a known, but trivial, difference to emphasize the silliness of differences. Furthermore, the phrase seems to juxtapose a silly activity roller skating against a serious confrontation, "hairy" issues--offering an willingness to drop the issue.

The third example contains two phrases. "My 'I' is crying" was learned by these friends in a women's transactional seminar. The friends use the phrase frequently when one person needs to talk personally and be heard. The friends also use the phrase, "I love you, I love you" to indicate the same condition.

J: We all know, it's a thing between us, we know if you call and--"My 'I' is crying"--you're supposed to shut up and listen, It, it is a thing between us. uh...
D: Now that J said this thing too--"I love you, I love you"--really means shut up and listen.
J: So if someone says--"My 'I' is crying"--you know know they will take care of you or you are very depressed.

So in this example a phrase signals an individual's mood and what one friend needs at that moment from the other.

Key phrases which may be picked up from anywhere develop a unique meaning for the friendship pair. The use of the phrase serves as a signal for what is needed. The phrases serve as (1) safety valves--to let off/out steam if the discussion gets "too hairy," (2) as a "railroad switch" to take the conversation in needed directions--on the track to "discuss" a relational problem between the friends, on track where one friend gets to be the focus of attention.

MAKING SPACE

Inevitably in any relationship individual needs will come into conflict--the fulfillment of the needs calls for contradictory behavior. Responses to this conflict may include: (1) fighting, "You always get what you want. I never get...," (2) bargaining, "You can...if I can...," and (3) negotiating. Negotiating involves choice-making where one or both of the individual's recognize that one person's needs should take precedent over another's at this time. The choice is freely made and does not involve the notion of rewards/costs. In the sample of conversation below, J & D reflect back upon an accommodation that was made for one of the individual's while she was in the process of studying for comps. This particular accommodation involves the use of "space" as the members of this friendship pair are also roommates. Note that discussion of individual needs and how to accommodate them was rather limited at the time. The person who was studying for comps explains what was said:

> I was going through the comprehensives and studying for them. I sat both of them down and I said "Look I'm very selfish right now and some of that's okay, but don't let me railroad you guys."

But later conversations revealed that this statement was not made until very late in the summer--while the situation had existed all summer. Instead, the sense-making/interpretation of the accommodation is largely made after the fact. Furthermore, the accommodation of the past situation sets the precedent for present accommodation. The one who was not studying for comps opens up the conversation by revealing his criteria for when to confront.

> I don't know you know I do get annoyed about things but I think about when I get annoyed about something, I think about it first and then I think, 'Is that reasonable? Is that unreasonable? Can it be changed?' Like--well I never shared--it's funny 'cause I'm sensing we're starting to bring out somethings that we haven't really talked about before. Like it used to get annoying to me uh when you were studying for your comps. Everyday I came home you'd be sitting there studying. Every morning I got up you'd be downstairs watching TV and I'd think 'Oh shit.' But I did not want to get in the way of your comps I just considered what I was feeling at that point (a) there was very little that could be practically done about it, and (b) I thought your comps were more important than my personal convenience. I just said you know, 'Fuck it' and just didn't say anything and just you know if I wanted to be alone I'd just go upstairs or go out or...

They go on to recreate one particular instance and then to negotiate how the different needs should be accommodated:

> J: Well that's when I suddenly realized--somewhere in there there was something that happened that annoyed me and I said, 'D I'm in here studying'--and you turned up the music or something real loud?

D: No I asked you to
J: You asked me to. And I thought well I'm here studying and I got real angry and all of a sudden I realized...
D: I had asked her to turn up the stereo and she turned it up. Then she was mad at me.
[laughter]
J: Then I realized well J you have no right to be. And I realized how selfish I had been--I mean after talking to you about space--how selfish I had been about space. And when I plopped myself downstairs, what was I expecting the two of you to do? Tippy-toe around me just because I had these comps I mean that was my choice to take the comps and that wasn't--that wasn't fair. And uh it was very late in the summer for me to suddenly realize--that was too bad, I wish you would have said something before. I really do. But that's when I turned around to both of you and said, 'Look, do what you want to do down here and if you want to turn the music up loud I have the choice of trying to study through it, of stopping studying, or going upstairs. This is your house too.'
D: Or even if at that point you had just said, 'Hey I'm studying right now...
J: No. But I suddenly realized I was not fair in doing that that's why I came back to you and
D: oh, oh
J: said 'I've been very angry' but then I realized my anger is not justified and so you do--and if you want to turn the music up loud, go do that and that leaves me ( ). Sorry you had a whole summer of it because it really was late in the summer...
D: It wasn't like it was a daily kind of thing. It was you know maybe one morning a week uh you know
J: Ya
D: it would be bothersome to me
J: ya
D: I just didn't consider it any real big deal, nothing I wanted to make an issue out of so I didn't.
J: Well at some point daylight dawned on me anyway that it was an inconvenience for the two of you and that was not very fair of me. So that was what happened after that--what happens now. If I really need to study or something I just go upstairs and close the door to the livingroom and say well you people do what you want to do, it's your house too. And I was--that was good for me to come down from my high horse and realize that the world does not revolve around me.

Finally, acknowledgement of accommodation by other is carried out not only at the time but is pursued at a later date:

J: I think one of the things that happens that while I was listening to the conversation, when we were talking last week is uh I started to feel a little sad about what had transpired about the summer and so uhm what I did, I went out and I bought a carnation and flopped it in his room and wrote a little note around it saying that that somehow I, through not paying any attention at all, and he, through a definite decision, had come to the same conclusion--that somehow my needs for the summer, that being somehow to study for the comps, were going to be more important than his needs and I said that...

D: The thing is that I wasn't picking that up, that wasn't something that I was getting from you I mean that was my idea too.

J: Okay

D: You know it wasn't like you know I thought you were taking over. I thought your comps were very important too and I just you know didn't want to do anything to you know...

J: Well ya...

D: to screw up the...

J: Ya they are important--for sure. But I think what uhm I think what the jist of the whole, whole note was is that we both had and still do have needs and that there is room within our friendship for these to be satisfied at the same time and that's not the idea that one takes precedence over the other, I don't feel as though--I mean obviously the comps are important. School is very important to me.

D: Sure

J: But it's not more important to me than your friendship or seeing that somehow that things which would satisfy you happen. I'm not going to cry this time.

[laughter]

So a time spent reflecting back on a time of accommodation displays the implicit negotiation which took place, reaffirms the importance of the relationship, as opposed to the individuals. The negotiation involves an expression by each of how the other's needs are important and should not be impinged upon. Rather than making arguments for themselves, J argues for D's needs, and D argues for J's needs. Any accusations are of self, rather than other. Furthermore, rules for future confrontation, accommodation are set, don't confront unless (1) a practical alternative exists, (2) the accommodation is unjustified, (3) the accommodation becomes a burden. On the other side, when an accommodation is recognized by the one receiving the benefits that imbalance should be acknowledged and creative alternatives sought--again, choice making in an atmosphere of personal responsibility.

MAKING TIME

One problem which seems to effect most established friendships is how to find time for one another. One friendship pair over the course of 3 sessions displayed the accommodation process of how to make time for one another. The process begins by one member expressing the need for some contact:

J: We go through periods where we don't necessarily see each other a whole lot in which we get into some very good discussions just about life, and our attitudes about stuff. And other times where it's sort of 'see you sometime' sort of thing. And I've been missing because we seem to be in one of those.

D: Ya

J: Ships passing in the night sort of period. I don't feel as though I had talked to you about what was going on in your life recently and missing that as sort of a--I don't like to use the word--need--but that's kind of what it gets to be. It gets to sort of like an emptiness or something when I don't touch bases with you.

D: Ya

J: 'Are you okay, and how's the job going and how's the research going and how's it going with [woman's name]?'

D: I feel like I've gotten into the--it's funny because I swore I'd never be this way--I feel like I've gotten into that schtick where I'm so wrapped up in my work and you know in community activities I'm like kind of missing out on things at home. You're right, we don't sit down--when was the last time we sat down over a cup of tea and just you know talked for an hour or something? I'm always on my way here and there...

J: Ya but well that's me too. I've been in and out and busy doing stuff and it's real hard. D is on his block placement right now so he in effect is working 40 hours a week and I'm full time in school so that our schedules--I mean he has evenings free for the most part except for a couple of evenings a week. He goes into work late this morning so we could talk this morning. And I have to study. I mean I can take off some time but it's--well you know [you = the researcher]

[laughter]

And so you just sort of miss each other. We each have friends that are not necessarily shared and activities that are not necessarily shared--which is good. But then that takes us again out of the realm of each other.

The conversation progresses from J expressing the need, to D providing an account for his behavior and an agreement that personal talk time had been neglected a legitimate, shared need. J then points out that the responsibility is hers too, she has been busy as well--so blaming is avoided. An interesting phenomenon of the data-gathering technique displayed here is that J then offers a justification/rationale to the researcher. The implication seems to be "We really do have a good friendship, we each just have other demands on our time right now." Part of the "evidence" is reference to the researcher's own experience as a graduate student, "Well you know."

After a brief digression J and D pick up the discussion. Here J clarifies why this need is just being made known now. The reason is based on dawning realization as opposed to anger, confrontation, one specific instance...:

D: About me keeping busy to avoid

J: Ya

D: thinking about things, avoid what the feelings are about things

J: Ya

D: And that's why I'm finding lots of things coming out here this morning you know beginning to find that I didn't realize.

J: Well I figured that it was one of those things we seem to uh sort of like it comes together when we each need to or something. So it wasn't anything that I was worried about, it was something I just realized that I was missing. I hadn't sort of checked in with you recently and uhm and sort of just getting to think of that and realize at some point it would be nice if we could--it's nothing that ever gets designed, that gets planned--'Gee why don't we sit down'--It's a very spontaneous thing that comes about and whatever each of us is particularly doing at that moment just stop and touch--I think...

At this point D interrupts J and the process of negotiating a mutually comfortable way to accomplish personal time begins:

D: Sometimes that's uncomfortable for me because when I've got something in mind to do...

J: Ya

D: Sometimes it feels awkward for me to take 10 minutes out. It's like I'm always half way to going somewhere and I'm you know

J: Ya

D: and I'm not really right there. There's a part of me that's saying, 'Well, gee I should be going, let's try to wrap this' you know, to myself anyway.

J: Well it's hard for me sometimes too to relax. I mean it's like when uh--Is that always true, is that always true?

D: No you--always like every time we ever talk?

J: Ya

D: No but to be honest like last night--Jane Eyre, no not Jane Eyre

J: Pride and Prejudice

D: Pride and prejudice came on and I was kind of you know I was trying to listen to what you said and trying to keep up with the TV...

J: Ya, I realize...

D: In fact I was in neither place...

J: Ya I realize that...

D: I wasn't saying, 'Hey look can we talk after the show?' Uhm I've even started doing that with [other friend's name--talks briefly about him]

J: Well I realized it wasn't uhm that last night was like I could tell wasn't--you weren't there. In fact you didn't--even when I walked in, it wasn't even me but you didn't seem to be there with anybody

D: Uh hmm

J: You didn't seem to be--he had some company over last night and I was out on another engagement and when I came in you were playing banjo but you still didn't seem to be with any body in the room--got the feeling--so I realized last night I was, I was in my mind beginning to want to touch and say, 'Look I have missed out on your life for the past 2 or 3 weeks or something like that and uhm but realizing that was not going to be it last night, we were not going to be complete. And probably also because I was not necessarily there either.

So J and D begin to work out the problem of how to make time for personal talk--while the spontaneous seems most natural outside influences impinge. D reveals his discomfort at not being able to focus. J explores how prevalent this discomfort is. D and J both refer to a specific, recent event to clarify and substantiate the difficulty. Note how J shares the responsibility for "not being there."

Weeks later J and D have obviously continued to struggle with this problem. J has been talking about some doubts, feelings she has about a man she has been dating:

J: But I also realize J feels a little bit in there--and I'm not sure whether some of this also pertains to you--of feeling a little left out, a little worried. There are certain people in my life...
D: left out of what?
J: left out of your time. I mean it's nice one of the things last night, you suggested that even after we decided not to do this in front of tapes that we made sure that there is time that we continue this sort of thing

So the negotiations have now progressed from (1) an expression of a need for more personal talk time, (2) a mutual agreement that such "touching base" is important, (3) a sharing of the pragmatic problem of other demands, (4) the working through of the problem with depending upon spontaneous "touching" to, (5) a more formalized agreement to set aside a special time for talking, to schedule one another into their lives in order to avoid the distancing from reoccurring in the future. J comments later in the same session:

J: Realizing that and having done that maybe I haven't paid enough attention to some relationships that exist right now that are important to me uhm like you, ya ya and asking for you the same kind of thing back of of it would be fun to schedule--I would like to, let's put it that way--schedule times to do things together other than just this'll have to be this.

The next session reveals that the friendship pair has taken action on their expressed mutual desire to "take time to touch base":

J: I wanted to thank you for taking out that time for me yesterday
D: It worked out better for me too
J: I was fussing I uhm because I was just saying like I felt that even with the tape recorder going that even with blocking out this time, it wasn't enough time or something

like that and there were also sometimes things I wanted to say where it being in front of something as impersonal as the tape recorder--no offense tape recorder and [mentions researcher's name, laughter and kidding] hum cause there were just some things that had happened that I had wanted to share I just also felt like I hadn't...touched base...[conversation goes briefly off on a tangent then returns] and I miss that. You made the comment, otherwise it becomes like a boarding house

D: Ya we had a little chat yesterday. I had just come home from church and I was getting ready to go cross country skiing and she said, Hey wait a minute [chuckles] drop the anchor here a second, we haven't--she said basically that we hadn't gotten to talk for so long and she had wanted to talk and even she was feeling bad because it seemed like at times the only time I was interested in pursuing our relationship was when I had something I wanted to deal with--so uh you know we talked about that a little bit and then decided to stay home and uh just had a real pleasant day

Here negotiation involves (1) a recognition/appreciation of the accommodation and (2) an acknowledgement that the accommodation was mutually beneficial. Interestingly, the friend who responded to the request was the one who recounted the incident for the researcher. D's recounting appears to reflect an acceptance of J and J's comments; all this acceptance reaffirms the mutual benefits of the accommodation.

TABOO TOPICS

Friends may accommodate one another by avoiding "taboo" topics --areas in which they have found their views are intransigent. Note that this accommodation is more than just avoidance of conflict/ confrontation. Rather, the accommodation displays an acceptance of an unchangeable aspect of the other's life and thus an acceptance of the friend. One friendship pair explains how the one's husband became a taboo topic:

J: there came a time when I didn't like that role at all. Everytime I needed advice or support from her she would give that but it was fair and critical parent to child. So I quit asking for advice for awhile about Bob and uh

D: [talk over] See I'm a feminist. And when Bob was being an asshole, I said kick him out. Cuz I've been divorced seven years and uh I don't see why she took it.

J: But see he wasn't he wasn't being an asshole he's a very traditional man and his role changes...

D: Who cares?

[Both laugh]

J: See we get real testy anymore

[continued laughter]

Here the friends see differences in their roles that are important outside their relationship--a meeting between roles of traditional wife and divorced feminist. The one woman's husband has become the repository of the intransigent views these roles might embody. They use humor to exit from the topic.

The decision to avoid a taboo topic does not eliminate the need for future negotiation. Rather, the decision to accommodate just sets the goal for negotiation when the topic again arises. But the graceful shift away from the topic must be negotiated. In the above example, J could have responded to the flip "Who cares?" with a serious, "I do." Instead, she accepts the teasing and laughs--essentially "No sense going into that again, it's not worth our friendship." The willingness to put aside the conflictful topic reconfirms the frienship. Slips do occur as demonstrated below:

J: That's a strain on our relationship really
D: See we don't do anything except go to school. We're both so busy we don't have time to go out and just be friends
J: It's not that--you're single and I'm married and that's hard
D: Well geez, what could Bob say about us going out to dinner? Oh geez [said with quiet anquish]

The "oh geez" reflects a recognition that the taboo has been violated. How this violation is handled in the next section of conversation demonstrates how the friends negotiate their way out of a confrontation. The negotiation begins when the person making the violation acknowledges it--"Oh geez." J then had the alternatives of (1) agreeing that her husband could be an "asshole"--giving up ground that she had established in previous conversations as important to her, (2) attacking her friend--"you always pick on my husband"--"winning," preserving her position/relationship with her husband at the cost of losing in her friendship, and (3) acknowledging the intransigent position. J selects 3:

J: Well uh J thinks Bob feels about you the way you feel about him
[laughter]
D: Bob's okay
J: [mimicking the husband] "You going with Jones again--you see it as anglin'"
[continued laughter]
D: Maybe that's why he doesn't want us to be seen together
[continued laughter and abrupt topic change]

So the process of negotiating away from a taboo topic includes (1) acknowledgement by the person who slips that the taboo has been violated--some sort of an "opps," (2) a willingness by the other not to push a confrontation, (3) acknowledgement by the pair of the intransigence--often accomplished through the use of humor, (4) after the mutual demonstration of acceptance of the intransigence--it's okay to differ (Goffman might label this instance a type of face-saving)--an abrupt topic change. Note how an abrupt topic change immediately following the recognition of the slip "Oh geez" would have intensified feelings of having committed a violation of rules--the humor, while not erasing violation, helps to establish that friendship and caring is strong enough to accommodate such "slips."

Through the examples of accommodation certain rules for negotiating friend's role emerges. The basic criterion for decision making in accommodation rests within the "reasoning of friendship." The question is asked "How important is the difference between us as compared to how important is the other?" Given that the people are in a bonded relationship, each person sees the other as an extension of self. Because friends find each other to be an extension of self, the answer most often favors importance of the other person over the apparent differences or conflicts. Within such a framework of mutuality fighting or bargaining which preserve individuality have no meaning. Negotiating, which does not emphasize giving up or losing, provides the mechanism of accommodation to place both people in the gainful position of extending self through other. The three areas of being friends and the four areas of doing friends are part of the accommodative process of negotiating the role of friend.

References

Alexander, D.C. and Newell, S.E. The intensive interview as a means of discovering the talk of friends. Paper presented at a meeting of the Western Speech Communication Association, San Jose, CA, February, 1981.

Faules, D.F. and Alexander, D. C. Communication and social behavior. Reading, MA: Addison-Wesley, 1978.

Hall, P.M. Structuring symbolic interaction: Communication and power. In D. Nimmo (Ed.), Communication yearbook: Volume 4. New Brunswick, NJ: Transaction Books, 1980.

Newell, S.E. and Alexander, D.E. A preliminary report on the talk of friends. Paper presented at a meeting of the Western Speech Communication Association, San Jose, CA, February, 1981.

Rieke, R.D. Human reasoning theory for modern communication. Paper presented at the East-West Communication Conference, Honolulu, HA, 1980.

Schutz, A. On phenomenology and social relations. Chicago: University of Chicago Press, 1970.

Smith, D.H. Applications from negotiation and bargaining research. Paper presented at a meeting of the Central States Speech Association, Chicago, Illinois, April 1972.

ARGUMENT, GROUP INFLUENCE, AND DECISION OUTCOMES

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Speech communication scholars' traditional interest in discussion methods and problem-solving[1] evidence a fundamental concern with the relationship between communication and the quality of group decisions. That communication is both the crucible and catalyst for decision outcomes has been grounds for research on orientation and consensus,[2] phasic models of decision development,[3] and sequential structure.[4] Embedded in this view is the presumption that symbolic interaction in groups is related to decision outcomes through the effects that interpersonal messages have in altering or reinforcing other members' decision preferences. This communication-influence-outcome link rarely is studied by small group researchers,[5] however, and even less so against a backdrop of group decision-making[6] (rather than outcomes like member satisfaction and group productivity). Even when symbolic influence attempts have been linked to group outcomes, "communication" has been treated more as a list of variables than as a coherent hierarchical framework for examining interpersonal influence and decisions. Variables such as "opinionatedness,"[7] "orientation,"[8] "deliberativeness,"[9] "seeking,"[10] "affectivity,"[11] and "dominance,"[12] although potentially singly important in relation to influence and outcomes, demonstrate little internal consistency. Nor do they offer a basis for elaborating a theoretical approach to communicative influence in groups.

In this essay we propose a method for studying argument in relationship to interpersonal influence and group decisions. Our focus on argument is part of a larger concern with developing a hierarchical communication framework for studying interpersonal and group influence (which in turn is part and parcel of an ongoing inquiry into group and organizational decision-making dynamics). In the sections below we first review the general research program, including specific studies which have preceded and necessitated our present concern with argument. Then we we outline a series of research questions on interpersonal influence and group decisions which comprise the next major stage of the research program. In particular, we examine the ways in which argument theorists' traditional and recent perspectives may be relevant to answering those questions. Third, the majority of the paper is devoted to a qualitative analysis of group argument undertaken (a) to compare the utility of three approaches to analyzing argument (Toulmin, Perelman, and Jacobs & Jackson), and (b) to lay the foundation for an argument coding scheme useful for answering the research questions alluded to above.

THEORETICAL ORIENTATION

Seibold, Poole, and McPhee recently outlined a program for investigating group dynamics in general, and decision-making processes in particular.[13] Their proposal was rooted in a structurational perspective[14] and, consistent with the presumption of most communication theorists, was based upon the premise that factors determining social action exist within, and draw their force from, streams of ongoing interaction. The theory of structuration seeks to explain this production and reproduction of social systems in terms of actors' applications of rule and resource structures. For example, established work groups usually display a status hierarchy of members. Viewed as a "system," the group may be depicted as a network of roles and ranks (in turn reflecting various power and influence relationships). But there is a "structure" underlying the system and helping to generate it: norms governing interaction among members of different status, superiors' control of resources like funds and promotions, subordinates' control over the flow of upward information, and so forth. The system exists and is identifiable because it is structured: group members rely upon available rules and resources to foster and maintain relationships, but the pattern of their relationships can be explained in terms of the differences in rules and resources that they have access to. Hence, the "structurational" perspective captures and reinforces this circular relationship between the production and reproduction of social systems. Whenever a structure is drawn upon to inform action ("production"), the action "reproduces" the structure underlying the existing system by tacitly displaying it and confirming it as a basis for action.[15]

Seibold, Poole, and McPhee set forth a structurational approach to small group research in general (a) in which production and reproduction of structure is viewed as the essential nature of group interaction, and (b) which seeks as its end explanation of the role of internal and external factors in the production and reproduction of group interaction. The overarching questions guiding the program are these. First, how are observable regularities of group action and interaction (and the rules and resources enabling them) produced in group dynamics? Second, how does group interaction yield continuity or change in the structures governing and enabling it to occur?

The structurational perspective is particularly appropriate for the analysis of the group communication-influence-outcome link. Unlike psychological theories of group outcomes, which propose member or task characteristics[16] or some transformation of individuals' prediscussion preferences by means of norm-like "decision schemes"[17] as the bases of group decisions, the structurational perspective argues that even these seemingly stable "external" factors affect outcomes only insofar as they are produced and reproduced by group members *in interaction*. Tasks, for example, must be understood and adapted by the group, and principally those aspects of the task which the group considers in interaction will affect group process and outcome. Similarly, normative decision schemes like "majority rule" only have force if communicatively invoked and agreed to by group participants (e.g., "Lets vote on it"). Hence, the major challenge for researchers concerned with communication and decision-making in groups is to identify both *what* factors external to group interaction affect decision outcomes (e.g., roles, norms, power, status, task, and other structures) and *how* these factors are invoked, interpreted, and utilized through interaction.

Two empirical research studies have been conducted to date within the rubric of the structuration perspective. The first examined an interactional model of group decision-making proposed by Norman Maier and Richard Hoffman.[18] Briefly, the model proposes that (a) members' evaluative verbal communication during decision-making "add up" to form a general "valence" score for all proposals discussed, and (b) a valence "threshold" separates options chosen from those rejected. Analysis of data from ten four-person student groups ranking project/presentation topics from a list of ten choices suggested two general conclusions. First, the existence of a valence threshold for adoption of a particular proposal was supported: "Once an option's valence passes this lower bound, the probability of its adoption increases markedly, and further accumulation of valence does not increase the adoption probability significantly."[19] Second, the model's assumption that total group valence is the determinant of group choice was rejected in favor of a Valence Distribution Model which emphasizes *patterns* of expressed individual support for choice options. The model accounted for 74.4% of the variance in the groups' decision makings. The second study extended the results of the first by comparing the predictive adequacy of the interactional Valence Distribution Model with a noninteractional model prominent in psychology.[20] In the face of claims by psychologist James H. Davis that normative decision schemes operate outside interaction to yield a decision based on members' prediscussion preferences,[21] it was hypothesized that (a) interpersonal communication would have strong direct effects on group decisions, and (b) would *mediate* the effects of exogenous decision schemes of group outcomes. Reanalysis of the student groups' decision processes substantied both these assumptions: "(1) interaction *per se* is a crucial independent causal factor in group decision-making, and (2) although input conditions like Social Decision Schemes may have an impact on group outcomes, they too are mediated by interaction processes."[22]

These findings are noteworthy for at least two reasons. First, they amply affirm the presumptions of the speech communication discipline that interaction processes are important determinants and mediators of group decisions, and that such outcomes are best viewed in light of the distribution of communication contributions by specific group members. Too, this affirmation of the field's central tenets challenges researchers from other disciplines to incorporate interaction processes into their noninteractional decision-making formulations, and to refine existing interactional perspectives to reflect the complexities of groups of individuals communicating to achieve personal and group objectives. Second, these studies support the validity of structuration theory. From a structuration perspective, decision-making communication is a vehicle of mediation between members' initial preferences and their final group choice. Mediation entails the reexpression and transformation of those inclinations in a new guise, and the Valence Distribution Model suggests that this new guise is in large part the patterned expressed positiveness for particular choices by individual members. The second study, consistent with structuration theory, showed that resources and rules (e.g., decision schemes) do not have a strong direct effect on decisions in and by themselves. Rather, it is because these structures are produced and reproduced in interaction that such norms affect group outcomes.

These studies and implications spur us to further research for two reasons. First, important aspects of the findings themselves demand elaboration. For example, if rules and resources exist in interaction, then it should be possible to discover the communication processes that elicit, reinforce, or modify such structures. Similarly, normative decision schemes are among many structures acting on group decision, and further research is necessary to parse the interpenetrating structures of status, power, networks and so forth as they are cotemporally produced and reproduced in the stream of group interaction.

A more serious reason for elaborating the research conducted to date is its principal limitation. Simply stated, the conception of communication undergirding this research was so basic as to understate the complexities of communication as we understand them from research and theory. Both studies coded only the positivity and negativity (i.e., valence) of expressed verbal acts, thereby stressing evaluative communication. But other levels of meaning operate in decision-making, including the logic of expressed argument and the force of strategic interpersonal influence. Heretofore, we have the need to examine these other levels of meaning and have proposed a conceptual hierarchy for examining communication valence, argument, and strategy.[23] While the results thus far have been encouraging (the more so when a quite minimal operationalization of "communication" produced such strong results), the need to advance communication theory urges a move to the next level of complexity in the hierarchy -- the role of argument in group decision-making.

ARGUMENT AND STRUCTURATIONAL RESEARCH

To outsiders like ourselves, it appears that now is the worst of times and the best of times to be looking for guidance from argument theorists concerning ways to investigate naturally occurring argument in groups. On one hand, the field is enmeshed in its own arguments over matters as basic as how argument should be conceptualized,[24] the locus of argument,[25] appropriate foci for argument research,[26] and the utility of particular methods for studying argument.[27] At the same time, the vitality and rethinking of positions engendered by these debates together with the new areas within argument scholars' purview, make this a potentially fruitful time for wedding what seem to us to be our compatible concerns. In particular, our research on the communicative bases of group influence and decision-making stand to profit from recent redefinition of argument,[28] from the ways in which traditional interests and concepts in argument have been supplemented with insights from other approaches,[29] from an expanded view of how argument research may be conducted,[30] and from broadened interest in fields or contexts germane for the study of arguemnt.[31] Coincidentally, we hope that the results of the next phase of our research program will be useful in turn to the argument research community.

We have found Joseph Wenzel's treatment of argument to be especially cogent and enlightening.[32] Claiming not to discover as much as to sharpen three meanings for the term argument, Wenzel articulates a system that divides scholarship into the study of argument as "process," "procedure," and "product." These conceptions correspond to the perspectives of rhetoric, dialectic, and logic respectively, which in turn carry distinct construals of the situation, rules and speaker-audience of argument.

Argument as a process of a rhetorical situation is "real, concrete, particular, and immediate."[33] On the other hand, argument as a procedure of a dialectical situation operates from the "hypothetical, abstract, universalizable, and mediate."[34] Nevertheless, rhetoric and dialectic can be viewed as a conjoint siutation within the occurrence of argument in discourse. The consensus-producing force of argument in discourse, according to Habermas,[35] is its power to move actors from a state of naively assumed consensus to a state of communication which itself is directed at that underlying consensus. Simply stated, argumentative discourse as a communicative act combines by nature the reason-giving of the rhetorical situation with the reason-establishing of the dialectical. Adding the third situation -- argument as logical product -- Wenzel alludes to the substantive context established by such diagrams of logic as Toulmin's model, noting "the logician focuses on a set of statements abstracted from communicative context, objective and depersonalized, and contemplated as a construction of potential epistemic importance."[36]

The rules corresponding to the rhetorical, dialectical, and logical situations emerge from varying levels of rational conformity. Rhetorical argument is governed constitutively, in Wenzel's terms, "bound fundamentally by certain tacit social rules,"[37] which are assumed implicitly in the production of argument$_1$. Dialectical argument is guided procedurally by rules which distinguish the explicit and expressed nature of dialectical argument; argument about argument; or argument$_2$. Finally, the logical argument is sanctioned in a function independent of the rhetorical or dialectical situation; logical soundness is argument about argument$_2$ (that is, argument$_3$).

The varying conceptions of speakers and audiences emerging from these three perspectives is addressed in part by the role of speakers in their varying awareness of rules. Audiences, as auditors of argument, are characterized by Perelman as particular or universal.[38] The rhetorical argument$_1$, in its construction as a persuasive process, appeals to a particular audience, where the universal audience is appealed to in the judgment of the logical products of argument$_3$. The audience of the dialectical procedure of argument$_2$ "may be understood as an amalgam of the rhetorical auditor and the logical critic...a particular person straining for universality,"[39] so that the audience engages in argument$_2$.

Thus, Wenzel provides three perspectives of argument: argument$_1$ as a rhetorical process governed by tacit social rules and directed toward a particular audience; argument$_2$ as a dialectical procedure guided by the expression of explicit rules moving the particular audience toward the universal; and argument$_3$ as a logical product sanctioned by the rules of that universal audience.[40]

Assuming the veridicality of Wenzel's characterization of these perspectives on argument, we are prompted to examine each from a structurational perspective. As regards "situation," structuration reminds us that all argument is caught up in the "real," through actual streams of interaction. Assumptions, implied backing, and so forth do not exist in the idealistic sense of dialectic, but only in what is said and done. Still we ought not think of argument merely as a system (as Jackson and Jacobs do), for that ignores the structure which enables the system and the ways in which argument systems, as action, produce argument structures. Finally, although argument may be viewed as a logical structure, the structurational perspective asks whether and how these products are embedded in the reality of group activity.

Similarly, structuration suggests that "rules" only exist in use. Since argument$_{123}$ are all activities, all are rule practices. As such they involve production and reproduction at each level of rule following at which the actor/audience/critic may be operating. The structurational concern would be with linking these levels and demonstrating their joint essence as "structuration" (i.e., the production and reproduction of social systems as medium and outcomes).

Finally, on the structurational view "audience" is a phenomena which exists as produced and reproduced in interaction. Audience has meaning only in that sense. And while it is true that particular to universal audiences may exist within each argument perspective, the structurational perspective contends that they exist simultaneously and cannot be "placed" from the outside. The audience must be examined in concrete practice; it must be taken out of the theoretical and inserted into the realm of phenomenal "empirical" inquiry.

In light of these considerations and the next steps warranted and required by our previous studies, we have recently embarked on a line of research aimed at answering the following four structurational questions about group argument:

1. How shall we characterize "argument" when we take it to be produced and reproduced in decision-making discourse? There is a definite first choice to be made: is argument, as we typically characterize it, system or structure (or, as we shall tacitly assume, each in certain ways)? Under this issue several other more particular matters seem to fall. Does argument, as a system or structure,

exhibit fundamental change in form; does it evolve, and why? How are the structures of formal and practical logic mediated in group argument? What changes does this structurational view demand of the traditional ways of viewing argument?

2. What are the short-term consequences of argument? Once it appears in discourse, how do others respond? Experience persuades us that there are many types of occasional response: change of opinion; further adversive or supportive argument; tension expression, release, and control; intimidation or withdrawal. What is the range of these kinds of response, how are the kinds distributed across people and time, why do the members react as they do, and what is the meaning of these responses in terms of the structure of argument?

3. What are the long-term consequences of argument? In particular, how does the fabric of argument condition its border, the final group decision? Are there certain argumentative weaves or patterns which naturally demand a certain trim in later group action? Does "quality" in argument bring about "quality" (of any sort) in the final decision, and how? Of special interest, can we learn more about the final decision by examining argument than simply from the flux of opinion patterns?

4. What determinants explain the patterning of argument and decision in discourse? Are there attributes of the group's structure, the task it undertakes, or its members, which causally affect the course of argumentation or its result? Corespondingly, are there structures (of initial opinion, belief, and skill) which are used in arguing to produce those same patterns?

Roughly speaking, these questions correspond to (1) deriving a conception of group argument compatible with the structurational perspective and suitable for transformation into a scheme for coding conversational argument in groups; (2) examining how members are related to each other through the process of argument; (3) investigating the relationship between patterns of group argument and group choices; and (4) parsing the role of structural properties in the argument-influence-outcome link. In the remainder of this paper we address the first issue by means of a qualitative analysis of group argument.

Method

In developing his empirical applications of the structurational perspective,[41] Giddens typically begins by surveying the best relevant empirical theories and subjecting their conceptual bases to critique. The critique may be based on empirical findings or on conceptual problems, but the result is always a reconceptualization of the phenomenon under study. In this paper we provide the basis for such a reconceptualization.

Concrete examinations of argument in groups, from the point of view of argument theory, are distinguished by their nonexistence as we have indicated above. Therefore we have developed coding schemes based on several well-developed theories about what argument is, and used them to code a typical example of group discourse. However, our goal at this stage is not the usual statistical analysis of the incidence of acts falling into the various coding categories, but a qualitative analysis of the production of the categories themselves and of their interrelations.

In this analysis there are four phenomena which will draw our attention. First are the categorization failures: statements or speech acts by group members which fall into no category, or which straddle the boundary between two categories. If we analyze these acts and find them to be argument-related, we must supplement the original category schemes. Second, qualitative analysis can uncover production anomalies: acts which clearly fall into a theoretical category, but which are atypical members of that category by virtue of their production. For instance, an act might be stretched over an unusually long time, or include seemingly irrelevant parts, or be produced jointly by several speakers, or be understood and interrupted by another speaker while only partially produced. Findings like these can lead us to doubt that the category is capturing the essence of such instances, or to conclude that the category is too broad. A third phenomenon of interest is the relational failure: each speech act may fall validly into a category, but the acts may not co-occur or be related as the theory would dictate. The fourth phenomenon is the hardest to discover: the relational anomaly. Acts may often co-occur without being required to by theory. Such co-occurrence may be a sort of empirical regularity, or it may indicate the kind of interdependence that would lead us to redefine the acts as parts of a larger whole.

The qualitative analysis was conducted on a selected unit of data generated from data collected in conjunction with the next phase of research and the four questions discussed above. First, a short discussion case, "You Be The Judge," was selected.[42] The scenario presented an arguable situation about which discussants were to reach a consensual agreement on the issue.[43] Next, approximately forty four-person groups were videotaped discussing the issue. Groups were formed from introductory speech communication students from California colleges, including Saddleback Community College, Azusa Pacific University, and the University of Southern California.[44] Other measures taken, to be analyzed in connection in RQ4, include pre-discussion measures of subjects' written decisions on the issue, communication-related measures about the group discussion, and selected trait measures. While subjects had pretest familiarity with the issue, the group discussion videotaped was spontaneous and unrehearsed. The particular videotaped discussion used in this study was transcribed, with every intelligible speech act recorded (paralinguistic and other nonverbal acts were recorded only if they appeared to contribute significantly to the meaning of the act).

Toulmin Analysis

Model. Published in 1958, Toulmin's model[45] for assessing argument has greatly influenced speech communication scholars.[46] The thrust of Toulmin's efforts is to investigate "justifactory arguments brought forward in support of assertions in the structures they may be expected to have, the merits they claim and the ways in which we set about grading, assessing and criticizing them."[47] That purpose is achieved by involving the following assumptions. First, traditional logics do not adequately extend practical or philosophical knowledge. Hence, an alternative scheme based on man's use of the probable may provide a better means for identifying epistemic functions of reason giving. Six functional elements are said to be potentially typical of any argument: data, (facts as accepted), claim (one's position), warrant (justification for claim), backing (rationale for the warrant), reservation (potential rebuttals), and modal qualifier (degree of probability of claim).[48] Second, two types of arguments exist: analytic, when support for a warrant is contained in the conclusion; and substantial, when warrant and claim are independent of each other. Furthermore, analytic arguments conform to traditional logics, whereas substantial arguments advance probable causes. Advocating the superiority of the probable, Toulmin concludes, "the only real way out of these epistemological difficulties is (I say) giving up the analytic ideal."[49] Third, field relevance becomes important to specifying the development and validity of arguments. Two arguments belong to the same field when the data and claim are of the same "logical type." One asks whether we must redress analysis from situation to situation (field dependence) or whether the argument mode is consistent across situations (field invariance).[50] Fourth, arguments in ordinary contexts pass through a series of problem-solving stages: identifying the problem, offering suggestions, enunciating "serious possibilities," and advocating arguments in support of possibilities.[51] Finally, concepts of logical fallacies are translated within the wider framework of probabilistic merit so that fallacies are interpretable through Toulmin's model.[52] The level of abstraction for analyzing argument varies with the application needs. One may seek (1) "a system of chaining" to view overall argument treatment,[53] (2) discrete arguments, and/or (3) the functional elements within each argument. One may also predict use of the above according to field relevance, although such a procedure does not necessarily affect the unit of analysis or abstractions from it.

Coding Scheme. Toulmin's work has been applied in philosophic argumentation,[54] various fields of specialty,[55] debate,[56] and pedagogy. However, a coding scheme incorporating its assumptions and innovations, and its categorization of argument types and fallacies, was yet required for the purposes of this study. Given the model's claim to interpersonal relevance,[56] adoption of Toulmin's theory to the analysis of group argument followed a relatively simply process: (1) assumptions were labeled and assessed for their potential value in distinguishing argument characteristics; (2) innovations clearly presented in other publications[57] were included; (3) the functions of the model, typically considered the heart of Toulmin's theory, were included, and (4) when accounts regarding the system varied, Toulmin, Rieke and Janik's 1979 work was considered as a final statement. To derive a processual understanding of how argument unfolds in group discussion, two methods of coding were adopted (please see Figure 1). One punctuated discrete arguments and their respective constituent parts, another identified global arguments that summed the discourse of the group members. The findings reflect this dual application. (The text and coding are supplied Appendix A.)

Findings. Two general observations derive from our analysis of interpersonal argument by means of Toulmin coding scheme. First, it is possible to punctuate arguments as they unfold in interaction. While such punctuation may vary, at minimum we gain an indication of movement from issue to issue. Whether arguments are consistently punctuated among observers must await future research. Second, Toulmin's model distinguishes how speech acts "mean." For example, we found that identical speech acts function as warrants, data, and conclusion in an interchangable manner, initially causing some confusion. However, application of the model made sense of the functional transformations.

Five specific findings further indicate the utility of the coding scheme derived from Toulmin's system. First, as hinted, it was possible to demarcate arguments in the order they were presented. Thus, 17 discrete arguments met minimal criteria (i.e., claim, warrant, data) without duplication of the elements as they were combined. However, two arguments contain implicit claims; that is, while there exists a directed proposition, explicit claims were not allowed to "get off the ground." Analysis of the transcript indicates that (a) both arguments involved one member asking the others to role-play (acts 44-48, 106-117a), and (b) both requests were met with diversion and ridicule, interrupting the argument. Second, speech acts varied in function, although they were somewhat identical in content depending on the argument.
For example, Steve states a claim (act 34) later used as evidence (act 100e). Heather performs the same feat when she uses a claim (act 52) as evidence (act 112). Such transformation corresponds to the "series" mode discussed by Ehninger and Brockriede.[58] Third, the "losing side" (Victor and Donna) does not maintain the structure of their arguments, or develop those structures. Such structural demise is evidenced by subtle but significant claim changes (cf. acts 4, 17, 62b, 05); the losing side uses more assumed warrants; the losing side does not justify data or evolve claims to the status of data; finally, the losing side permits degeneration of argument by self or other-imposed diversions from a line of reasoning. While this structural breakdown typifies the losing side, it is not so for the winning side. The winning side (Heather and Steve) accounted for reservations by subsuming them, applied the same reservations to several arguments and evolved claim to evidence status. Fourth, fallacies riddled the discussion. Ad Hominem attacks and evading

FIGURE 1
Toulmin Coding Scheme

1. Field-Relevance
A. Field-invariant: universal rules of procedure.
B. Field-dependent: context-specific rules.

2. Function
A. Data: evidence.
1. significance stressed
2. relevance issue stressed.
B. Warrant: justification for inferential leap.
1. warrant-using: warrant presumed.
2. warrant-establishing: warrant explicated.
C. Claim: positional destination.
D. Backing: rationale for warrant.
E. Modal Qualifier: degree of probability.
F. Reservation: possible rebuttals.

3. Argument Types
A. Analytical: when conclusion contains warrant.
1. tautology test: "D, B or in other words C."
2. verification test: must warrant rely on truth of conclusion?
3. self-evidence test: reservations can not be offered after presentation.
B. Substantive: when the warrant is independent of the conclusion.
1. analogy: similarities compared.
2. generalization: samples leading to population conclusions.
3. sign: observation of sign indicates presence of object or situation.
4. cause: causal connections.
5. dilemma: two negative warrants.
6. authority: a person's status used as a warrant.
7. classification: typical properties of a class of objects enunciated.
8. opposites: differences extended to other situations.
9. degree: varying properties differin step with each other.

4. Fallacies
A. Unwarranted Assumptions
1. hasty generalization: insufficient data.
2. accident: case under discussion deviates from general principle.
3. false cause: post hoc ergo propter hoc.
4. false analogy: comparisons unjustified.
5. poinsoning the wells: refusing to qualify argument when one should.
6. begging the question: advancing grounds embedded in the claim.
7. evading the issue: shift the topic.
8. appeals to authority: authority appeal inappropriate.
9. argument against the person: reject a claim due to derogation person advancing it.
10. appeal to the people: data claim in supposedly popular.
11. appeal to compassion: play on sympathy.
12. appeal to force: coercion; threats.
B. Fallacies of Ambiguity
1. equivocation: term used inconsistently.
2. amphiboly: faulty punctuation changes meaning.
3. accent: misplaced emphasis.
4. composition: assert what is true of parts is true for the whole.
5. division: assert what is true of whole is true for its parts.
6. figure of speech: similarity between terms indicates similarity in meanings.

FIGURE 2
Structural Analysis of Major Arguments

ARGUMENTS IN FAVOR OF HORACE GETTING HALF THE MONEY	REFUTATIONAL SUBSUMPTION OF ARGUMENTS FOR INTO ARGUMENTS AGAINST	ARGUMENTS AGAINST HORACE GETTING HALF THE MONEY
DATA$_1$ (004)* rules were vague.		DATA$_1$ (given) Horace didn't complain beforehand.
WARRANT$_1$ (013) vague rules aren't fair.	(058) once you start a game, you can't go back.	WARRANT$_1$ (008) unfair rules should be protested before the game begins.
BACKING$_1$)017) rules make the game.	(043) people don't play games if the rules appear unfair.	BACKING$_1$ (014) playing makes the game.
CLAIM$_1$/DATA$_2$ (068) game was not fair.	(069) it doesn't matter if the game was fair or not.	CLAIM$_1$/DATA$_2$ (034) agreeing to play put Horace in the game.
WARRANT$_2$ (085) only fair games are valid.	(087) people only play fair games.	WARRANT$_2$ (087) all games played are valid.
BACKING (implied) should always play fair.	(implied) existence subsumes essence.	BACKING (087) what is, is.
CLAIM$_2$ (001) Horace should get half the money.		CLAIM$_2$ (003) Horace should not get half the money.

*These numbers refer to the act in which the argument is either given or implied (see Appendix A) the issue were frequently used. Although the most popular fallacy, the use of a hypothetical contrary to established fact, was not codable according to our scheme we found evidence of its use in this group. Fifth, given the "adversary" nature of the talk, members were reluctant to permit argumentative development. This finding is indicated by the fact that (1) invariant justifactions were severely limited by the rigidity of the group, and (2) members interrupted each other. Interruption was supportive or distracting: it was supportive insofar as members would provide instant backing for the other's warrants, what we call "tag-team" arguing; it was distracting in that lines of argument would dissolve.

Finally, it was also possible to apply the Toulmin scheme in such a way as to examine the discussion of the group holistically, that is to examine *complete* arguments unfolding as the group moved toward a final decision on whether or not Horace should get one-half the money awarded to the other contestant. As can be seen in the schematic diagram provided in Figure 2, two complete arguments emerged throughout the discussion -- one in favor Horace and one against his case (see the left and right side columns in the figure). What is significant in this holistic analysis is the subsumptive functions of the winning arguments mentioned earlier. The major feat of refutation was accomplished through first successively reducing the force of the pro-Horace arguments and through equivocation, then building the anti-Horace case from two directions. This has special import for our understanding of how arguments unfold in groups. First, we notice that arguments and parts of arguments assume different functions as group process unfolds toward consensus. Second, we can see interchangeable levels of abstraction utilized in the disputational procedure. Third, we notice with regard to this case that the "winning" argument was not only more complete (in terms of the explication of parts of an argument) but accomplished the task through strategic subsumptive use of the functions of argument.

Perelman Analysis

Model. To combat argumentation embedded in Cartesian demonstration, Perelman and Olbrechts-Tyteca propose that "argumentation is a study of discursive techniques allowing us to induce or to increase the mind's adherence to theses presented for its assent."[59] Although Perelman doesn't offer "startling innovations,"[60] his theory is an alternative and comprehensive account of argumentation processes.[61] Four assumptions characterize Perelman's thinking.[62] First, argumentation should be audience-centered, directed to either a universal or particular audience.[63] Particular audiences are defined within contexts; universal audiences are constructs of the actor's mind and assumed to be valid for every reasonable person.[64] Further, the universal audience functions as one's "rhetorical conscience" during invention[65] and as rhetorical validation of those arguments.[66] Second, argument serves an epistemic function through rational presentation of ideas for adherence to both practical and philosophic theses. As Dearin notes, "Perelman enlarges the domain of reason to encompass a rhetorical rationalism ...."[67] Third, adherence is experienced at variable levels of intensity: adherence is conceptualized as a matter of degree.[68] Finally, argument techniques associate or dissociate ideas. This bifurcation is an organizing factor of those techniques.

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Perelman's rhetoric invokes two discrete levels of abstraction. At the first level, behavior is potentially separable according to its argumentative function. The act may be a starting point of argument, a case of using data, a technique, or an extension of previous thoughts. Such a partition is followed by specifying the function in question; for example, is the starting point a value or a loci? Thus, Perelman and Olbrechts-Tyteca offer a system to immediately classify argument. At another level the argumentation involves inferences relative to two issues: (1) Is the speaker addressing a universal or particular audience, or both? (2) If the techniques involve dissociation, what are the "philosophical pairs" involved? Both issues require estimation of the speaker's intention as it may impact on the process.

Coding Scheme. In order to assess interpersonal argument, a scheme was derived from *The New Rhetoric* in light of the following concerns. First, what portions of *The New Rhetoric* describe *informal* argument? The treatise typically uses forums amenable to development of thought (e.g., books, legal contexts), so portions relevant only to formal presentation were excluded. Second, what elements contribute to a *processual* understanding of group decisioning? As Perelman's work embodies sensitivity for the "movement" of argument, little was excluded by this criterion. On the other hand, the interaction of argument is afforded higher status for the same reason. Third, how can we best represent the work? Because each speech act is a potential argumentative component (and considering that *The New Rhetoric* offers 65 techniques alone),[69] a brief explanation accompanies each element used (see Figure 3). We hasten to add that neither the scheme nor the description supplied can possibly offer a complete representation of *The New Rhetoric*. Readers are urged to examine the original work for illumination of our framework. Second, categorizing elements of *The New Rhetoric* is criticizable in that the system itself is interchangeable; this is especially true of argument techniques, as the authors note.[70]

Findings. From the analysis reported in Appendix A it appears that Perelman's theory is useful to describe how arguments unfold in group interaction. This conclusion stems from our finding that all speech acts could be readily coded according to the scheme derived from *The New Rhetoric*. However, a countervailing consideration prevents wholesale recommendation of the treatise for continued investigations of this nature. Ascertaining argumentative properties involving higher ordered abstractions proved very difficult. Universal audience distinctions occurred only once (Acts 66 and 67), concerning one member's understanding of the issues. Although Perelman conceives of such as *Ad Hominem* concerns[71], it may be possible to identify such cases as questions of authority. Thus, the focus shifts from audiences as constructed in the mind of the speaker to techniques actually used. This study supports the criticism that it is impossible to identify how one goes about convincing a self-made construct.[72] Furthermore, locating proper dissociative techniques proved fruitless. It may be that identifying philosophic pairs should be reserved for philosophic and other formal argumentation.

Three insights may be gleaned from this approach, nonetheless. First, although interpersonal arguments *appear* disconnected and confused,

FIGURE 3
PERELMAN CODING SCHEME

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1. Audience
   - A. Universal: applies to all reasonable men
   - B. Particular: applies to context only

2. Starting Points of Argument
   - A. Facts: accepted statements
   - B. Truths: relations among facts
   - C. Presumptions: a norm involved
   - D. Values: the preferable

     1. abstract: not related to entities
     2. concrete: a specific entity

   - E. Hierarchy: placement of values relative to each other
   - F. Loci topoi

     1. quantity: more is better
     2. quality: less is better
     3. order: first things first
     4. existence: that which exists is admirable
     5. essence: ideals are admirable

3. Data Use
   - A. Interpretation: how should data read?
   - B. Qualifiers: classification of data.
   - C. Notions: ideas that assume correspondence.

     1. clarified?
     2. obscured?
     3. extended?

   - D. Presence: how is data brought to attention:

     1. time spent
     2. repetition of data
     3. level of specificity
     4. rhetorical figures

   - E. Modalities in Expression of Thought

     1. assertive?
     2. injunctive?
     3. interrogative?
     4. optative?

4. Types of Argument (Techniques)
   - A. Quasi-logical: uses logic as model.

     1. compatability: ideas compatable or not.
     2. ridicule: person debunked.
     3. definition: how are thoughts defined?
     4. tautology: affirmation of nothing new.

(cont'd)

5. rule of justice: treat equals alike
6. reciprocity: treat two situations alike.
7. transitivity: compare events removed from each other.
8. include part into whole.
9. divide whole into parts.
10. comparison: terms brought together.
11. sacrifice: giving up self for thesis.
12. probability: use of mathematical expectations.

B. Structure of Reality

1. causal: temporal, necessary links
2. pragmatic: evaluation in terms of consequences
3. ends vs. consequences distinction
4. ends vs. means focus
5. waste: fait accompli
6. direction: sequence inevitable consequence of other position
7. unlimited development: continue a process for its potential ends.
8. act and person: person credited, or discredited, by action
9. authority: appeal from status.

C. Etablishing Structure of Reality

1. example: data offering rule.
2. illustration: drawing attention to held rule.
3. model: embodiment of behavior to follow, imitate
4. anti-model: oppose conformity to model
5. analogy: A: B: C: D.
6. metaphor: condensed analogy.

D. Dissociation: locate appearance/reality dichotomy.

5. Interaction

A. By convergence: independent affirmations of some conclusion.
B. By amplitude: developing premises of same argument.

1. extend by convergence to solidy premises.
2. complementary arguments: show how two arguments differ.
3. negative arguments: show why audience overlooked negative aspects of others' arguments.
4. vary arguments for varied audiences.
5. redundancy: restate premises.

arguments are extended in an understandable pattern: starting points indeed initiate the dispute; these are followed by techniques and data; convergence and amplification are brought into play as are additional techniques; finally, convergence and amplification predominate the interaction. Perelman's rhetoric does seem to provide a useful method for tracing arguments in groups. Second, although a "pattern" of arguments was observed, actors tend to mix functions of argument at their discretion. That is, there does not appear to be an orderly movement within any argument from start to finish. For example, Acts 33 to 37 include use of data, techniques, starting points and convergence in that basic order concerning a single issue. Perhaps the only indications of "order" involve movement toward clustering information (e.g., subsuming other arguments, amplication and convergence). Indeed the argument that "carries the day" is one that subsumes loci of essence under loci of existence. Finally, strong evidence exists to support Perelman's notion of variable intensity regarding adherence. This is present in the gradual, albeit guarded, movement of Donna's position. Additionally, it should be mentioned that Donna recognized, and reported that she was convinced by, what she considered "good points." The assumption of rational man, which underlies the epistemic function of rhetoric as it impacts on adherence to theses, receives a measure of support. The finding is more important given the group's apparent argumentative confusion. Closer analyses of factors that impinge on adherence according to variable intensity within interpersonal contexts is warranted.

Jacobs and Jackson Analysis

Model. A recent perspective on the analysis of argument defines argument in terms of structural aspects of conversation.[73] In this view, conversation is organized around the adjacency pair, a unit of two turns produced by successive speakers, with first and second pair parts adjacently placed.[74] Central to the adjacency pair is the conditional relevance of the first and second pair parts, in that a type of first pair part necessarily implies a type of second pair part. Further, there is preference for agreement--that is, preference for the expected pair part. Disagreement is demonstrated when another conditional pair part intervenes between production of the preferred second (e.g., instead of question-response, there is question-question). From this sequential expansion of adjacency pairs comes the function of argument in overcoming objections to accepting turns: argument is a type of structural organization of pair parts (repair) that occurs within the context of disagreement. Simply put, an intervening part between preferred pairs is an argument on this view.

While extensive discussion of the adjacency pair as a unit of conversational analysis has centered around dyadic discourse,[75] the utility of this perspective for the study of arguemnt in groups has yet to be demonstrated. Such an application would presuppose that the properties of conditional relevance, preference for agreement, and sequential expansion would all continue to govern the production of conversation by groups. While conditional relevance and preference for agreement could be viewed as normative aspects of conversation as a whole, the property of sequential expansion is less certainly transferable. First, the possibility of multiple turn-taking is greater in groups, and therefore the responsibility of producing the preferred turn is negotiable. Second, whereas in dyadic discourse the probability of agreement/disagreement with a pair part is at least equal, in groups the probability of any pair part is a function of several speakers (since more than one speaker could produce the preferred or dispreferred pair part). Finally, whereas conversational argument has been shown to be of an enthymematic nature,[76] the nature of groups may preclude the utility of operating from implicit premises (owing again to the possibility of one or many speakers producing either of both pair parts).

Coding Scheme. The discovery of how arguments unfold in groups may be greatly enhanced through the structuring of group discussion in terms of the adjacency pairs. Bending the defining characteristics articulated by Jacobs and Jackson to accommodate the nature of four-person conversation, a coding scheme was developed (see Figure 4). Turns were defined to include multiple statements by a single speaker as well as statements produced jointly by more than one speaker. The conditional relevance of pair parts was maintained, thereby acknowledging the occurrence of successive turn producing one pair part (across interruptions), and also the occurrence of competing pair parts/speaker within turns (among talkovers). The structural expansion of conversation through pre-sequences, adjuncts, insertions, and post-sequences was the main element of the coding scheme. These sequences are first-order arguments--expansions toward repair of disagreement. Also important are expansions toward repair of the relevance of those arguments--arguments of the second order. First- and second-order arguments may be thought of as reason-using and reason-giving expansions respectively, but both are characterized through types of first pair parts that escalate prior pair parts, as both types of argument are dispreferred second pair parts.

For example:

007	FPP	ASSRT (Victor)	That's too vague.
008	FPP	OBJC (Heather)	But he should have complained about it beforehand.

Victor's assertion in 007 would be expected to have an agreement of a response follow; Heather's objection provides instead another first pair part.

009	FPP	OBJC (Donna)	But 'last eliminated"...
009	FPP	OBJC (Steve)	No, that gives the theater manager...

In turn 009, both Donna and Steve object to Heather's objection, escalating the argument further.

010	FPP	ASRTx (Heather)	If he had won he wouldn't have said anything.
011.1	SPP	RESPx (Victor)	That has nothing to do with anything.

Heather counters the aborted objections with yet another assertion, this time establishing the relevance of the objection presented in turn 008--a second-order argument expanding not disagreement, but relevance.

FIGURE 4
Jacobs and Jackson Coding Scheme

I. TURNS

A. Statements count as turns whether or not they are complete sentences, and are numbered in successive order of their production.
B. More than one turn taken by a speaker--as in a series of complete sentences, or in a series of discrete incomplete sentences--is represented by successive numbering to the right of a decimal point.
C. Talkovers--another speaker talking within a speaker's turn--are represented by the use of (") to number multiple turns.
D. Interruptions--a turn whose completion is prevented by the production of another's turn--are represented by the use of (...) at the end of the attempted turn. Should its second attempt occur, or should the speaker continue from the point of interruption, the use of (...) preceding a turn represents the completion of an interruption.

II. PAIR PARTS

A. FPP = First Pair Part; statements that are initiations of discourse or argument.
B. SPP = Second Pair Part; the preferred or expected pair part conditionally related to the pair part immediately prior.
C. + = Successive turns executing a pair part, either within or between speakers.
D. Preferred or expected pair parts or competeting pair parts within a turn follow the column down.
E. Disagreement with the first pair part by producing an intervening sequence is represented by the escalating first pair parts following the row across.

III. CODE

A. (code)p = discourse is of performatives; statements concerned with the production of pair parts and not their propositional value.
B. Propositional First Pair Parts
ASRT = assertion; a statement of fact or opinion.
PROP = proposal; a statement calling for conferral.
QUES = question; an implicit or explicit request for information.
C. Preferred or Expected Second Pair Parts
AGRE = agreement; agreement with the first pair part.
EXTN = extension; agreement and extension of the first pair part.
RESP = response; supplies information or clarification implicitly or explicitly solicited.
D. Dispreferred Second Pair Parts; escalated first pair parts; disagreement-relevant repair.
1. Pre-sequences; tests for disagreement.
FRAM = frame; contextualize or qualify upcoming first pair part.
F/SE = forestall/secure; forestall refutation by securing agreement on something; establish disarguables.

(cont'd)

F/RE = forestall/remove; forestall refutation by removing possible objections; disestablish arguables.

2. Adjuncts; within-turn statements made in anticipation of disagreement.

ELAB = elaboration; providing extra detail or meaning.

JUST = justification; providing unsolicited backing or support.

3. Insertions; disagreement

OBJC = objection; denial of the truth or appropriateness of the prior pair part.

CHAL = challenge; points to a problem that must be solved if acceptance of the first pair part is to be made.

conf = confrontation; toward an entrapment in an upcoming challenge.

4. Post-sequences; follows disagreement.

RECY = recycle; following dispreferred second pair part, a repeat of the first pair part.

REIN = reinforcing; following preferred pair part, an emphasis.

E. (code) x = expansion into second-order argument; discourse expanded to establish the relevance of the first pair part; the arguable is expanded to its arguability. Assertions are of the hypothetical, the general, the topic invariant: proposals are of truisms; justifications and elaborations are of the reason for producing the pair part to which they are adjunct; second pair parts agree to, extend, or respond to the arguability of an expanded first pair part.

IV. SPEAKER

A. The first initial of a speaker is used in his/her appropriate column to indicate who is producing the turn.

B. The use of (") represents successive statements within a speaker's turn.

Finally, the escalation is halted by Victor's response to the reason-establishing; he directly addresses the relevance-repair.

Findings. By following the transcribed and coded discussion in Appendix B, the conversational analysis of arguments produces an initial visual result directly related to the notation scheme, but still a factor of the definition of argument as a type of sequential expansion. Arguments are escalated as FPP's move diagonally down to the right. Where the escalation is halted, either by an agreement-related response or an otherwise preferred SPP, one can read the corresponding "winning" or "losing" of that round of expansion. This illustration of the definition of argument leads to the first finding of conceptual significance. Recalling that expansion is by nature indicative of discourse within a context of disagreement, this context is furthered by the sequences directly following expansion. Responses and assertions made in the midst of escalated sequential expansion (multiply embedded FPP's) are given unsolicited elaboration, most likely due to the heightened argumentative nature of their production. (See, for example, turns 007-011, 030-134, 085-088) This indicates not only that, as presumed, argument occurs within a context of expanded disagreement, but additionally, expanded disagreement produces expanded attempts toward agreement. This in turn supports the presumption of preference for agreement.

In addition to the expanded efforts to secure agreement, the preference for agreement can be seen in the extended reinforcement of the context of agreement. When the group's 2-2 split changed to 3-1, apparently the pivotal agreement, that elicited a stream of adjuncts reinforcing that agreement, with no explicit attempt to use argument to bring the fourth member over. The 3-1 status was a context of agreement for this group, producing no further expansion into argument: rather, the fourth member acquiesced to conform to this suddenly agreeable context.

Another trend most likely attributable to the shift from two-person to four-person producers of pair parts is the "tag team" phenomenon. This, in the terms of the coding scheme, can be referred to as the joint production of pair (first appearing in turns 020-022 and 043-047). The tag team formation was reciprocated by the other side to the argument (in turns 087 and 093-097), making a 2-2 disagreement literally a 2-2 conversation through the joint production of turns. Thus, while the possibility of multiple turn production was thought earlier to possibly obscure the conditional relevance of pair parts, it is also possible that the same multiple phenomenon can also amplify conditional relevance through the joint acknowledgement and production of sequences.

As mentioned earlier, repairs concerned with disagreement are arguments of the first order, and repairs concerned with relevance of these arguments are of the second order. These two levels in traditional terms distinguish enthymematic from syllogistic argument--argument from implicit premises (reasons) and argument from explicit premises. The last finding to be noted illustrated the use of second-order arguments in relation to the outcome of group process toward consensus. Noted in turn 074 is a pivotal agreement by Donna, that agreeing to play by the rules was a good point. This point converges previously produced second-order arguments: the fact that Horace played means he agreed (034), the irreversibility of a game once it has started (058.3), and the irrelevance of fairness after the fact (069). Contrasted to the absence of such subsumptive relevance repairs by the "losing" side of the argument, our last point of significance is the nature of arguments in groups. While dyadic argument may very well function enthymematically, and may very well do so to avoid the consequences of redundancy, the multiple turn-taking and multiple pair part-producing may mitigate conversants' percpetions of redundancy to the point where reason-establishing is needed beyond mere reason-using. This we find in light of the unsolicited adjunct toward securing agreement within contexts of heightened disagreement, in the absence of argument--reason-using or reason-establishing--in contexts of perceived agreement, and especially in this last mentioned comparison of "winning" to "losing arguments. Thus, Grice's maxim[77] might warrant extension to further include support for information as well as information.

CONCLUSION

The impetus for this qualitative analysis of argument in a decision-making group was the need to develop a coding scheme for quantitatively analyzing argument in future structurational analyses of group decision-making. Several specific questions guided the investigation, and to which we now return.

Does argument evolve in groups, and in what ways? Application of Toulmin's model demonstrated readily how arguments unfolded in the group studied and indicated quite pointedly where argument failed. In particular, the "winning" argument subsumed others' reservations and evolved fairly substantive claim, data, warrant linkages, whereas "losing" arguments evidenced subtle but significant claim changes in the face of refutational and social pressure, little indication of data for claims, and too many diversions from the line of reasoning attempted. Application of the Perelman scheme revealed how apparently confused and dissociated "argument" speech acts in fact adhered to an orderly pattern of dispute initiation, techniques and data, and then convergence and amplification.

Are formal argument structures mediated as the structurational perspective would suggest? That is, are arguemnts reexpressed and transformed through the stream of interaction in the service of interpersonal influence and group decisioning? Decidedly so, as the findings amply indicate. For example, the Toulmin holistic analysis showed that arguments and their constitutive parts appear to assume different functions as argumentative discourse unfolds and the group moves forward, including apparently strategic subsumptive use of the functions of argument and reliance on interchangeable levels of abstraction in disputation. The Jacobs and Jackson procudure underscored how preference for agreement is mediated in discourse through expansions toward agreement (and expanded reinforcement) following dispreferred pair parts and structural disagreement.

What ramifications does a structurational analysis of group argument have for traditional ways of viewing argument? Each of the perspectives considered derives support at a conceptual level from findings that (a) "losing" arguments revealed little structural integrity, (b) there is some evidence for the orderliness of disputation even in apparently unorderly frantic group discourse, and (c) specific concepts were particularly useful (e.g. Perelman's conception of variable intensity regarding adherence and the distinction between loci of existence and loci of essence). From a methodological perspective, each of the scheme stood up well (although the most category failures and production anomalies occurred in attempts to apply the Perelman scheme). The Jacobs and Jackson procedure produced vivid depictions of how arguments escalate and what accounts for "winning" arguments, as well as how argument strutures are jointly produced(what we have termed "tag team" dynamics). Finally, returning to Wenzel's distinctions among arguments$_{123}$, we find several intriguing results. First, while the group produced many arguments$_1$ (17 if one applies Toulmin discretely; 3 or 4 holistically), the tacit rules governing their arguments$_1$ did in many cases constitute irrational appeals--fallacies when viewed as arguments$_3$. Yet the arguments$_1$ with rhetorical success (the "winning" arguments$_1$) were those which were raised through discourse into arguments$_2$. This can be seen through the categorization of parts and functions of arguments $_{1\&2}$ through the coding schemes of Perelman and Toulmin, as well as the categorization of speech acts through the coding scheme of Jacobs and Jackson. The insight into arguments$_2$ was greatly enhanced by examining through this latter scheme the expansion of second-order arguments, as this identified discourse that moved toward explicit articulation of reason-establishing rules. Comparing these arguments$_2$ to Perelman's and Toulmin's sanctions for argument$_3$, we find an absence of formal validity in many cases, and an almost complete absence of such appeals explicitly directed toward a universal audience. There is seen in the expansion into reason-establishing, nevertheless, an attempt toward bridging the particular and universal *auditor* in arguments$_1$ that are at least complete (in a Toulmin scheme). Second, our findings that the group functioned within two broad conventions--preference for agreement and parsimonious information--suggests that an examination of argument$_1$ as a structural aspect of conversation can reveal a greater understanding of argument$_2$ as procedure. Moreover, as a rational enterprise, discourse in groups also benefits from the study of argument$_3$ as an episode of logical structure.

Finally, even this qualitative analysis of a single group points up ways in which actors relate to each other through argument. For example, certain types of (weak) argumentative stances were met with scorn and ridicule. Too, argument development was both facilitated and hindered through interpersonal dynamics. The "tag team" phenomenon we have alluded to demonstrates the ways in which group members flesh out implicit argument acts and, in particular, supply backing for others' statements. On the other hand, *ad hominem* attacks and the derision associated with fallacious reasoning often inhibited the production of further individual reason-giving and distracted the group from its purpose at times. These interpersonal dynamics will receive careful scrutiny in our future investigations of the argument-influence-outcome link in decision-making groups.

NOTES

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[1] For example, see Dean C. Barnlund and Franklyn S. Haiman, *The Dynamics of Discussion* (Boston: Houghton Mifflin, 1960), and James H. McBurney and Kenneth C. Hance, *The Principles and Methods of Discussion* (New York: Harper and Brothers, 1939).

[2] John A. Kline "Orientation and Group Consensus," *Central States Speech Journal*, 23 (1972), 44-47; Thomas J. Knutson, "An Experimental Study of the Effects of Orientation Behavior on Small Group Consensus," *Speech Monographs*, 39 (1972), 159-165; Thomas J. Knutson and Albert C. Kowitz, "Effects of Information Type and Level of Orientation on Consensus-Achievement in Substantive and Affective Small Group Conflict," *Central States Speech Journal*, 28 (1977), 54-63. The seminal work in this area was Dennis S. Gouran, "Variables Related to Consensus in Group Discussions of Questions of Policy," *Speech Monographs*, 36 (1969), 387-391.

[3] Thomas M. Scheidel and Laura Crowell, "Idea Development in Small Discussion Groups," *Quarterly Journal of Speech*, 50 (1964), 140-145; B. Aubrey Fisher, "Decision Emergence: Phases in Group Decision-Making," *Speech Monographs*, 37 (1970), 53-66; Edward A. Mabry, "Exploratory Analysis of a Developmental Model for Task-Oriented Small Groups *Human Communication Research*, 2 (1975), 66-74; Marshall Scott Poole, "Decision Development in Small Groups I: A Comparison of Two Models," *Communication Monographs*, 48 (1981), 1-24.

[4] See, for example, Dennis S. Gouran and John E. Baird, "An Analysis of Distributional and Sequential Structure in Problem-Solving and Informal Group Discussions," *Speech Monographs*, 39 (1972), 18-22, and Donald G. Ellis and B. Aubrey Fisher, "Phases of Conflict in Small Group Development: A Markov Analysis," *Human Communication Research*, 1 (1975), 195-212.

[5] According to results of a recently published review of small group studies reported in the communication discipline in the 1970's, only seventeen of 114 studies research communication variables affecting group outcomes; see John F. Cragan and David W. Wright, "Small Group Communication Research of the 1970's: A Synthesis and Critique," *Central States Speech Journal*, 31 (1980), 197-213.

[6] Of the mere seventeen studies conducted in the 1970's which examined communication variables and outcomes (Cragan and Wright, op. cit.),

only the four reports on "orientation and consensus" noted above (fn. 2) explicitly treated group communication and decision-making. Even in this research, the communication-influence-outcome link is glossed and personal influence is ignored. A notable exception is one study which found that interpersonal interaction and the specific number of persons engaged in orientation communication behaviors better predicts consensus than a simple sum of group orientation; see Thomas J. Knutson and William E. Holdridge, "Orientation Behavior, Leadership and Consensus," Speech Monographs, 42 (1975), 107-114.

[7] Timothy A. Hill, "An Experimental Study of the Relationship between Opinionated Leadership and Small Group Consensus," Communication Monographs, 43 (1976), 246-257.

[8] See Gouran, op. cit.

[9] Dale G. Leathers, "Process, Disruption and Measurement in Small Group Communication," Quarterly Journal of Speech, 55 (1969), 287-300.

[10] B. Aubrey Fisher, "The Process of Decision Modification in Small Group Discussions," Journal of Communication, 20 (1970), 51-54.

[11] Mabry, op. cit.

[12] Donald G. Ellis, "Relational Control in Two Group Systems," Communication Monographs, 46 (1979), 153-166.

[13] David R. Seibold, Marshall Scott Poole, and Robert D. McPhee, "New Directions in Small Group Research," presented at the annual convention of the Central States Speech Association, Chicago, 1980.

[14] The originator of structuration theory is British social theorist Anthony Giddens, whose ideas are developed in New Rules of Sociological Method (New York: Basic Books, 1976); Studies in Social and Political Theory (New York: Basic Books, 1977); and Central Problems in Social Theory: Action, Structure and Contradiction in Social Analysis (Berkeley, California: University of California Press, 1979). Giddens' work was introduced to communication researchers by Robert D. McPhee and Marshall Scott Poole, "The Theory of Structuration as a Metatheory for Communication Research," paper presented at the annual convention of the Speech Communication Association, New York, 1980; Marshall Scott Poole, Structuration and the Problem of Reification," paper presented at the annual convention of the Speech Communication Association, New York, 1980; and Seibold, Poole, and McPhee, "New Directions...," op. cit.

[15] For a fuller treatment see McPhee and Poole, "The Theory of Structuration...," op. cit.

[16] See the writings of Ivan D. Steiner, especially Group Process and Productivity (New York: Academic Press, 1972); and "Models for Inferring Relationships Between Group Size and Potential Group Productivity," Behavioral Science, 11 (1966), 273-283.

[17] James H. Davis, "Group Decision and Social Interaction: A Theory

of Social Decision Schemes," Psychological Review, 80 (1973), 97-125.

[18] Robert D. McPhee, Marshall Scott Poole, and David R. Seibold, "The Valence Model Unveiled: Critique and Alternative Formulation," in Michael Burgoon (ed.), Communication Yearbook 5 (New Brunswick, N.J.: Transaction Books, in press).

[19] Ibid., p. 22. (ms.)

[20] Marshall Scott Poole, Robert D. McPhee, and David R. Seibold, "A Comparison of Normative and Interactional Explanations of Group Decision-Making: Social Decision Schemes Versus Valence Distribution," Unpublished manscript, University of Illinois, 1981.

[21] Cf. Davis, "Group Decision and Social Interaction:," op. cit.

[22] Poole, McPhee, and Seibold, p. 27.

[23] Seibold, Poole, and McPhee, pp. 13-15.

[24] For example, see Wayne Brockriede, "Where is Argument?" Journal of the American Forensic Association, 11 (1975), 179-182; Wayne Brockriede, "Characteristics of Arguments and Arguing," Journal of the American Forensic Association, 13, (1977), 129-132; Joseph W. Wenzel, "Perspectives on Argument," in Proceedings of the Summer Conference on Argument, ed. Jack Rhodes and Sara Newell (Salt Lake City: University of Utah, 1980), pp. 112-133.

[25] Some have proposed that the locus of argument is intrapersonal (cf. Dale Hample, "The Cognitive Context of Argument," Western Journal of Speech Communication, 45 (1981), 148-158), while others propose a purely interpersonal locus and contend that proponents of the first position confuse argument activities with the cognitive processes that enable them (cf. Sally Jackson and Scott Jacobs, "Structure of Conversational Argument," Quarterly Journal of Speech, 66 (1980), 251-265).

[26] Consider Brant R. Burleson's attempt to direct argument theorists' attention to "social reasoning processes" in "A Cognitive-Developmental Perspective on Social Reasoning Processes," Western Speech Communication Journal, 45 (1981), 133-147.

[27] Charles Arthur Willard, "On the Utility of Descriptive Diagrams for the Analysis and Criticism of Arguments," Communication Monographs, 43 (1976), 308-319.

[28] Daniel J. O'Keefe, "Two Concepts of Argument," Journal of the American Forensic Association, 13 (1977), 121-128.

[29] Bruce E. Gronbeck, "From Argument to Argumentation: Fifteen Years of Identity Crises," in Proceedings of the Summer Conference on Argumentation, ed. Jack Rhodes and Sara Newell (Salt Lake City: University of Utah, 1980), pp. 8-19.

[30] See Jackson and Jacobs, "Structure of Conversational Argument:..." op. cit.

[31] See the papers in this volume by Rieke, Sillars, and Cox, for example.

[32] Joseph W. Wenzel, "Perspectives on Argument," *op. cit.*

[33] Wenzel, p. 9.

[34] Wenzel, p. 9.

[35] Wenzel, p. 10.

[36] Wenzel, p. 11.

[37] Wenzel, p. 12.

[38] C. Perelman and L. Olbrechts-Tyteca, *The New Rhetoric*, trans. John Wilkinson and Purcell Weaver (Notre Dame: University of Notre Dame Press, 1969).

[39] Wenzel, p. 15.

[40] Seibold, Poole, and McPhee, "New Prospects for Research in Small Group Communication," distinguished the structurational perspective's usage of the concept of rules from those of Cushman, & Whiting, Donohue, Cushman & Nofsinger, and Pearce et al. (p. 33). Not withstanding this distinction, the usage here is in reference to the concept of rule articulated by Stephen Toulmin, "Rules and their Relevance for Understanding Human Behavior," in *Understanding Other Persons*, ed. Theodore Mischel (Oxford: Basil Blackwell, 1974), pp. 185-215. Further examination might expand the discussion of rules to compare Wenzel's trichotomy with the last three levels of Toulmin's heptachotomy.

[41] Giddens, "A Theory of Suicide," in *Studies in Social and Political Theory*, pp. 297-332.

[42] *You Be The Judge*, Ashley Halsey, Jr., ed. (New York: A. S. Barnes & Co., 1952).

[43] The scenario read as follows:

> The sign on a jar of beans in the movie-theatre lobby said, "Guess the number of beans here. The fifteen persons who come closest will be eligible to participate in a quiz contest--prize, a new automobile."
>
> A week after Horace entered his guess, he was notified that he was one of the lucky fifteen. The theater had them draw lots to determine the order of questioning, and Horace drew No. 1.
>
> Before beginning the quiz, the theater manager announced to the audience that the "contestant last eliminated" would be declared the winner. After three rounds of questions, only Horace and one other competitor remained.
>
> Horace missed his fourth question. So did the other man, but being the "last eliminated," he was awarded the automobile. Horace, outraged, sued the theater, contending that he was entitled to at least half the value of the prize.

"He missed the fourth question, too," Horace pointed out. "You should have continued questioning both of us until only one missed, making the other clearly the winner. The way you did it was unfair and a breach of your agreement."

"You were out first," the theater manager replied, "and that plainly made him the 'last eliminated' under the announced rules of the contest."

Issue to be decided: Should Horace get half the money?

[44] The group selected for this qualitative analysis was from the University of Southern California sample. Based on a survey of most of the groups videotaped, this group seemed quite typical of the groups in general in terms of their interest in the issue, their communication abilities, time spent deliberating, the direction their arguments took, and the decision they arrived at. The participants' names were Donna(D), Heather(H), Victor(V), and Steve(S).

[45] Stephen Edelston Toulmin, *The Uses of Argument*. (Cambridge: The University Press, 1958).

[46] See, for example, Wayne E. Brockriede and Douglas Ehninger "Toulmin on Argument: An Interpretation and Application," *Quarterly Journal of Speech*, 46 (Feb. 1960), 44-53; Douglas Ehninger and Wayne E. Brockriede, *Decision by Debate*, 2nd edition. (San Francisco: Harper and Row, 1978); James L. Golden, Goodwin F. Berquist and William E. Coleman (Eds.), *The Rhetoric of Western Thought*, 2nd edition. (Dubuque, Iowa: Kendall/Hunt Publishing Co., 1978); and Patrick Marsh, "A Model for Arguing Directive Propositions," *Journal of the American Forensic Association*, 6 (Winter 1969), 1-11.

[47] Toulmin, p. 12.

[48] Stephen Toulmin, Richard Rieke and Allan Janik, *An Introduction to Reasoning*. (New York: Macmillian Publishing Co., 1979), pp. 25-27.

[49] Toulmin, p. 234.

[50] Toulmin, pp. 14, 38; Toulmin, Rieke and Janik, pp. 9-18.

[51] Toulmin, pp. 15-22.

[52] Ehninger and Brockriede, pp. 99-106; Toulmin, Rieke and Janik, pp. 157-185.

[53] Marsh, p. 5.

[54] Toulmin, pp. 211-250; Toulmin, Rieke and Janik, pp. 309-337.

[55] Toulmin, Rieke and Janik, pp. 195-307.

[56] Marsh, pp. 5-10.

[57] Toulmin, Rieke and Janik, p. 9.

[58] The advances made by Brockriede and Ehninger, for example, were

especially informative.

[59] Ch. Perelman and L. Obrechts-Tyteca. *The New Rhetoric: A Treatise on Argumentation*. trans. John Wilkinson and Prucell Weaver. (Notre Dame: University of Notre Dame Press, 1969), p. 4.

[60] Ray D. Dearin, "Chaim Perelman's Theory of Rhetoric" (Ph.D. dissertation, University of Illinois, 1970), p. 212.

[61] Henry Johnstone, *Validity and Rhetoric in Philosophical Argument*. (University Park, Penn.: The Dialogue Press of Man and World, 1978).

[62] Parts of this section relied on Robert Gass, "Perelman's *New Rhetoric*: An Explication of Five Tenets in His View of Argumentation" (Unpublished paper, Dept. of Speech Communication, University of Kansas, 1979).

[63] Perelman and Olbrechts-Tyteca, p. 30.

[64] Ibid., pp. 31-35; see also John W. Ray, "Perelman's Universal Audience," *Quarterly Journal of Speech* 64(Dec. 1978), 361-375.

[65] Allen Scult, "Perelman's Universal Audience: One Perspective," *Central States Speech Journal*, 27(Fall 1976), 176-180.

[66] Ray E. McKerrow, "Rhetorical Validity: An Analysis of Three Perspectives on the Justification of Rhetorical Argument," *Journal of the American Forensic Association*, 13(Winter, 1977), 133-141.

[67] Ray Dearin, "The Philosophical Basis of Chaim Perelmans's Theory of Rhetoric," *Quarterly Journal of Speech*, 55(Oct., 1969), 214.

[68] Perelman and Olbrechts-Tyteca, pp. 4, 511.

[69] Carroll C. Arnold, "Perelman's New Rhetoric," *Quarterly Journal of Speech*, 56(Feb., 1970), 90.

[70] Perelman and Olbrechts-Tyteca, p. 192.

[71] Ibid., p. 110-114.

[72] Johnstone, pp. 102-105.

[73] Advanced by Scott Jacobs and Sally Jackson, "Collaborative Aspects of Natural Argument," proposal submitted to the American Forensic Association Research Committee, 1978; Scott Jacobs and Sally Jackson, "The Organization of Influence Attempts in Conversation," mimeo, University of Illinois, Urbana, Illinois, 1978; Sally Jackson and Scott Jacobs, "Adjacency Pairs and the Sequential Description of Arguments," paper presented at the annual convention of the Speech Communication Association, Minneapolis, 1978; Scott Jacobs and Sally Jackson, "The Social Production of Influence," paper presented at the annual convention of the Central Atates Speech Association, St. Louis, 1979; Sally Jackson and Scott

Jacobs, "Structure of Conversational Argument: Pragmatic Bases for the Enthymeme," *Quarterly Journal of Speech* 66 (1980), 251-265.

[74] Defined most explicitly in Jackson and Jacobs, "Adjacency Pairs...," op. cit. p. 2.

[75] Read further the review by Scott Jacobs, "Recent Advances in Discourse Analysis," *Quarterly Journal of Speech* 66 (1980), 450-472.

[76] Jackson and Jacobs, "Pragmatic Bases for the Enthymeme...," *op. cit.*

[77] Cf. Jackson and Jacobs, "Adjacency Pairs...," op. cit., p. 23.

Editor's Note

Copies of the coded transcripts are available on request from the authors.

A PROCESSUAL ANALYSIS OF ARGUMENTATION IN POLARIZING GROUPS

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Group polarization is defined as the tendency for groups to decisionally shift in the direction of, but more extreme than, prediscussion positions. During the past decade, this type of decisional shifting has been consistently correlated with group member communication of persuasive argumentation.[1] Analyses of the persuasive argumentation have led to isolation of static characteristics of the behavior but, even though polarization is thought to be the product of processual communication, little is known about the progressive development of arguments in polarizing groups. To understand better why polarization occurs, therefore, the present study focuses on the initiation and reinforcement of arguments as they develop over time in decisionally shifting groups. A previously unrelated area of investigation in group decision making, the groupthink hypothesis, was used as a basis for predicting patterns of argument development.

The Problem

In the Vinokur and Burnstein (1974) model of informational influence in group polarization, decisional shifting is pictured as the direct result of persuasive arguments generated by group members. Burnstein et al. (1974) define persuasive argumentation as reasoning which has the following characteristics: direction (it favors the generally preferred trend in decision making), persuasiveness (it is seen as non-trivial and relevant), and novelty (it includes new information). Among these criteria for determining the effectiveness of arguments, the number of arguments favoring the preferred position (direction) is, by itself, consistently predictive of a group decisional shift (Bishop and Myers, 1974; Vinokur and Burnstein, 1974).

A conclusion that can be drawn from the findings on argumentation influence in polarizing groups is that information has more of an effect on an individual's decisions if the person is actively involved in a discussion process. Although some decisional shifting occurs after an individual is informed only about the preferences of others (Teger and Pruitt, 1967; Myers and Bishop, 1971), listens to a group discussion (St. Jean, 1970), or receives arguments outside of the group context (Burnstein and Vinokur, 1973; St. Jean, 1970), the greatest amount of polarization in these studies occurred after participation in group discussion.

Given the important role that discussion plays in causing groups to polarize, it seems essential that researchers begin focusing on the interaction of group members in these decisionally shifting groups. Presently, research shows that the number of arguments favoring a position is predictive of the direction the group will shift, but it is not known how the development and reception of arguments works in such a way as to shift the group in the direction of a decision which is more extreme than initial group member preferences. The present exploratory study of the development of arguments within decisionally shifting groups is an attempt to enhance understanding of why groups polarize.

Related Research and Hypotheses

One basis for making predictions about argument development in polarizing groups is offered by research on groupthink. Janis (1972) defines groupthink as a process in which group members' strivings for cohesiveness affect the quality of their decisions. The need to appear unanimous, according to Janis (1972), often causes groups to make decisions blindly in a direction which can be predicted by the initially preferred policies of group members. This sort of decision making seems most likely to occur when the group includes individuals who are cohesive because of similar values, beliefs, opinions, and so on. Conceptually, then, groupthink and polarization are similar. Both of these phenomena are viewed as group processes in which prediscussion member biases affect the group decision.

Theoretical and empirical research on groupthink points to the role of communication processes in this type of decision making. Based on analysis of case studies, Janis (1972) implies that groupthink group interaction is characterized by communication of support for initially preferred policies and suppression of deviant thoughts. In a laboratory investigation of groupthink, Courtright (1978) found that groups affected by this phenomenon were characterized by lack of disagreement.

Given the description of groupthink dynamics, a picture of how argumentation may lead to decisional shifting in groups can be constructed. In line with the groupthink hypothesis, it is probable that polarizing groups begin with communication of a preponderance of arguments favoring the biases of group members. After this phase, some counterarguments, perhaps by deviants, may emerge. Reasoning which supports the initially preferred position, however, should increase throughout the remaining stages of the decision making as counterpositions are progressively suppressed. Additionally, as a means of promoting a sense of consensual validation, agreements with the intially preferred position should follow a similar trend. This progressive, spiral-like pattern in argumentation could explain, then, why the group decision is in the direction of, but more extreme than, prediscussion positions.

The study's four hypotheses about the development of argumentation in polarizing groups grow out of the preceding discussions:

1. The direction of arguments predominantly communicated during the initial and final stages of polarizing group discussions will be predictive of the direction of the group decisional shift.

2. Communication of arguments favoring the initially preferred position will increase progressively during the course of the discussion.

3. The preponderance of agreements with arguments communicated during the initial and final stages of group discussions that polarize will favor the positions that are predictive of the direction of the group decisional shift.

4. Communication of agreements with arguments favoring the initially preferred position will increase progressively during the course of the discussion.

Method

Independent Variable

To study argumentation development in polarizing groups, it was necessary to create conditions under which polarization would occur. One method which has proven effective in previous research (Alderton, 1980; Myers and Kaplan, 1976) is to have mock juries discuss cases in which the evidence either predominantly favors guilt or innocence. Polarization occurs then if the group members shift, because of discussion, to more extreme ratings of the degree of guilt in the incriminating evidence case and more extreme ratings of the degree of innocence in the exonerating evidence case. The case used in the present study which included evidence favoring a person's innocence is as follows:

> George is a junior majoring in theatre. The program in which he was enrolled included a large number of performance courses. In addition to getting practice at acting and technical work, however, George was also interested in getting good grades (he stated) because he was planning to go on for a Master's degree.
>
> The grade which is being disputed is for a course in directing. The course required that each student direct six 20-minute video taped plays during the semester. Each of the directed scenes was critiqued by the instructor. The instructor, however, did not give the students any grades after the critiques. Since George, who has a 3.3 GPA, got favorable oral critiques from the instructor, he assumed that he would do well in the course.
>
> The final grade given to George in the class was a D-. George went to the instructor and asked for a justification of the grade. The instructor told George that, even though he might have received a B or an A from any other instructor in the department, this work did not meet his own high standards. George took the tapes to another instructor, who testified that it was at least B- to A-range work.
>
> George appealed the D- because he felt that the instructor was too subjective and unfair in grading. This was the third complaint of this sort leveled against this instructor.

A second case which included evidence designed to characterize a person as guilty follows:

Bill was an undergraduate business major. He recently completed his final semester. His GPA is 3.00. He is in the process of interviewing for a number of different marketing jobs. The interviewer for the job Bill wants is concerned about a D+ which Bill received in a marketing class last semester. Bill has brought the situation before the Academic Fairness Committee because he feels that the low grade was unfairly given and is preventing him from getting a desired position. A grade change to a B, he argued, is justified and would help him to get the job.

The course required one major final project. The instructor, however, asked the students to turn in two drafts of the project so that he could react to the drafts and tell the students what changes to make. Bill did not turn in drafts because he felt the project was so simple that anyone could do it well—even without taking the class.

Bill argued that everyone else probably got a B or an A in the class even though many probably did not turn in drafts for a reaction, and that he didn't get a good grade because the instructor didn't like him. The instructor stated that he had no reason for disliking Bill. In reviewing the paper, however, the instructor stated that it was of such poor quality that an F would be the more appropriate grade. A colleague of the professor agreed that the project was of very poor quality. This is the second time that Bill has brought a complaint to the committee for unfair grading practices.

Prior to use in decision-making discussions, the cases were tested for validity with a group of sixty-one students. After reading each case, the students completed two seven-point scales: "What degree is the person at fault for his/her grade?" and "What degree is the situation at fault for his/her grade?" Also, subjects were asked to choose from a range of grades (E to A) the appropriate grade for the person in each case. As expected, the rating for personal responsibility was low and the grading was high for the person in the situation where evidence favored innocence, while the rating for personal responsibility was high and the grading was low for the individual who was depicted as guilty.

The tested cases were given to sixteen four-person groups of randomly selected students enrolled in undergraduate classes at Wayne State University. Prior to discussion, subjects individually completed the two seven-point scales for ratings of personal and situational responsibility and determined the appropriate grade for the person described in each case. The group was then formed and told to discuss the cases separately and attempt to come to a consensus on decisions for the three questions associated with each case. The video taped discussions of each case lasted approximately twenty minutes. Groups were allowed to discuss each case until they reached consensus or felt it was impossible to reach consensual agreement. In the two cases where consensus was not reached, the consensus score was based on a mean of individual ratings. Following group sessions, the subjects again individually answered the set of questions for the two cases.

Results of a two-way analysis of variance showed that all prediscussion to postdiscussion shifting was in the expected direction: discussions of the case in which the person was described as guilty led to increased attribution of responsibility to the person ($F = 5.74$, ($df = 1{,}60$), $p < .005$), while groups discussing this case decreased in their attribution of responsibility to situation ($F = 5.98$, ($df = 1{,}60$), $p < .005$). Discussions of the case in which the person was exonerated from guilt resulted in increased attribution of responsibility to circumstances ($F = 4.34$, ($df = 1{,}60$), $p < .01$). Statistically significant polarization did not occur in decisions of the appropriate grade. See Table 1 for prediscussion, consensus, and postdiscussion means for the three discussion questions.

Table 1

Prediscussion to Postdiscussion Mean Ratings on Decisions of Responsibility for Persons in Exonerating and Incriminating Evidence Cases

		Prediscussion	Consensus	Postdiscussion
Incriminating Evidence Case	Personal Responsibility	6.19	6.50	6.47
	Situational Responsibility	1.57	1.22	1.27
	Grade	4.36	4.32	4.19
Exonerating Evidence Case	Personal Responsibility	2.25	2.02	2.06
	Situational Responsibility	5.63	5.98	5.98
	Grade	9.44	9.23	9.35

Dependent Variables

To isolate arguments and agreements with argumentation occurring in the polarizing groups, content analytic categories were developed. One set of categories focused on those arguments favoring either the guilt or the innocence of the persons described in the cases. For this analysis, an argument was operationally defined as a communication act which included either both a warrant and a claim (for example: "The instructor was wrong because he should have told the student before the end of the class that he was getting a D."), a warrant without a claim (for example: "He was lazy."), or a claim without a warrant (for example: "I would give him an E.").[2] This analysis allows for the possibility that a series of arguments could be communicated by a discussant within one continuous flow of language. A second set of categories was used to assess whether a communication act which followed an expressed position was in support of the argument. A communication act was operationally defined as the continuous flow of language by a discussant until the person was interrupted by another group member or stopped speaking.

The discussions from six groups were transcribed for use in the content analysis. Two raters independently content analyzed each argument as a position supporting either the person's guilt or innocence. A total of 959 acts were categorized. There were fifty-eight disagreements in the ratings ($\phi = .89$, ($df = 1$), $p < .001$). Additionally, the raters independently content analyzed the first communication act following each argument to assess the number of agreements supporting attributions to guilt or innocence. Of the total 190 acts which were categorized as supportive, the raters disagreed on eight decisions ($\phi = .92$, ($df = 1$), $p < .001$). Differences in content analytic decisions were discussed and agreement was reached when possible. In the few cases where agreement on content analysis ratings could not be achieved, the data was discarded.

Results

To determine the processual nature of the occurrence of arguments found in discussions of the two cases, as well as assess progressive development of patterns of agreement with the arguments, the number of arguments and agreements in each discussion was divided into fourths. This data was converted into proportions to aid comparison of the behaviors across the four time periods. Linear, quadradic, and cubic trend analyses were then conducted. For each trend analysis, the proportional data was first weighted by appropriate coefficients and then an overall mean was derived. One sample, one-tailed t tests were used to determine if the overall mean was significantly different from 0.

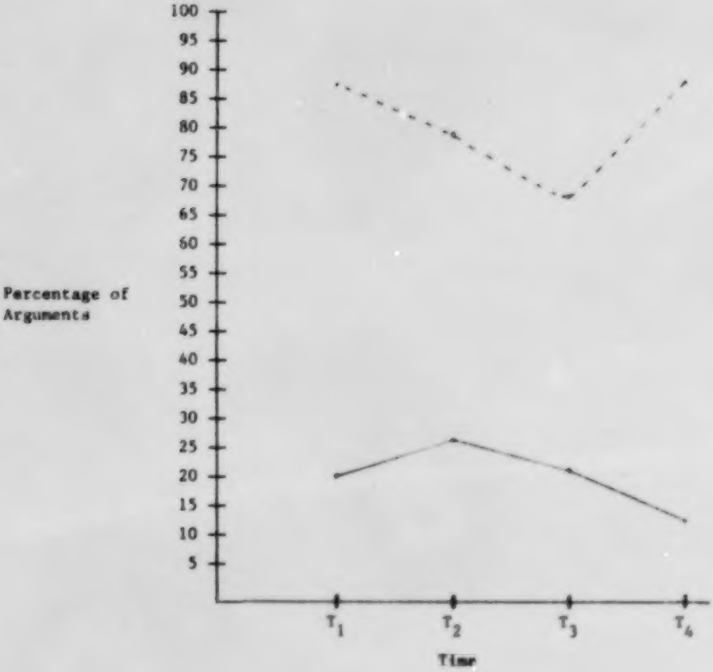
The linear and cubic trend analyses did not prove to be significant. The quadradic analysis of arguments found in discussions of the case where the person was described as innocent was significant ($t = 2.0$, ($df = 5$), $p < .05$), while the quadradic analysis of arguments occurring in discussions of the case where the evidence indicated guilt approached significance ($t = 1.6$, ($df = 5$), $p < .08$). Also, a significant quadradic trend analysis ($t = 2.0$, ($df = 5$), $p < .05$) was found in the communication of agreements with arguments in the incriminating evidence case, while this trend analysis approaches significance ($t = 1.5$, ($df = 5$), $p < .09$) for communication of agreements with arguments found in the exonerating evidence case. The trends in communication are depicted in Figures 1 and 2.

Discussion

Nonsignificant linear trend analyses suggest that expectations of an upward shift in communication of arguments and agreements with arguments favoring the direction of the group decisional shift, hypotheses 2 and 4, were not confirmed in this study. One explanation for this is that the proportion of positions favoring biases communicated during the

Figure 1

Trends in Arguments Occurring in Polarizing Group Discussions

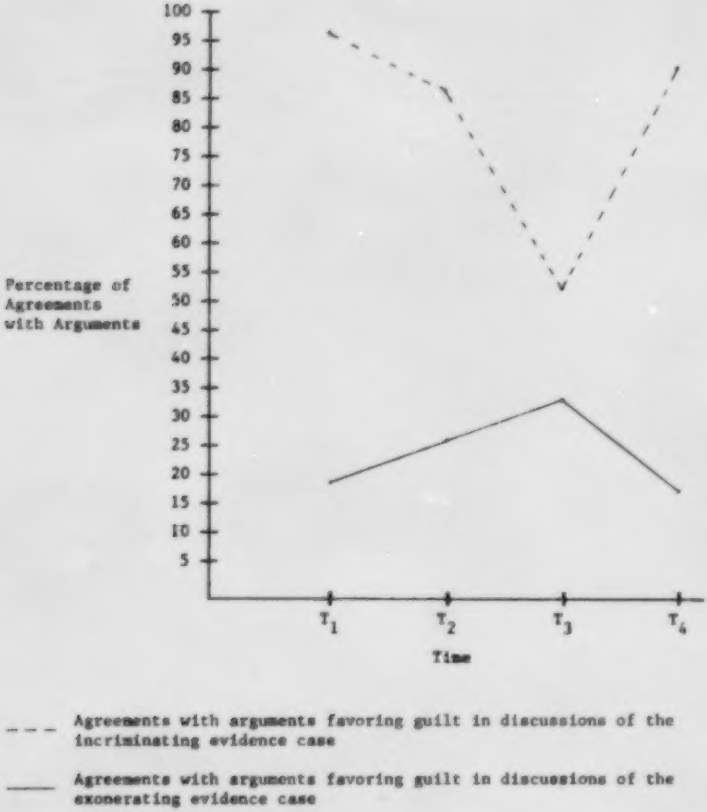


_ _ _ Arguments favoring guilt in discussions of the incriminating evidence case

_____ Arguments favoring guilt in discussions of the exonerating evidence case

Figure 2

Trends in Agreements with Arguments Occurring in Polarizing Group Discussions



initial discussion stage was so high that it was not possible for the proportions to increase significantly during the group process. It appears, however, that the number of arguments and agreements supporting initial biases decreased during the middle stages of discussion, and then increased in an upward trend during the final phase of decision making.

Hypotheses 1 and 3 predicted that arguments and support for arguments, which predominate during initial and final stages of polarizing discussions, will be predictive of the direction of the decisional shift. These expectations were verified. The curvilinear nature of the communication patterns showed that in polarizing discussions of the exonerating evidence case, the initial and final stages of the group process were characterized by position taking which by far predominantly favored the person's innocence. Polarizing discussions of the incriminating evidence case had, as expected, the opposite trend in communication.

The present study represents only an initial search to uncover the nature of the role which argument development plays in polarizing groups. In the next step of this search, researchers might view the initiation and development of arguments forwarded by particular members of a polarizing group who play the roles of leader and deviant. It seems, based on ideas generated by the groupthink hypothesis, that the likelihood of polarization is increased if a dominant position is progressively forwarded by a strong leader, and any deviant, over time, is compelled to suppress his/her position. Determination of the specific argumentative methods used to increasingly promote initially preferred group member biases may explain, at last, how communication leads to group polarization.

One could ask, however, whether future research on argumentation influence in polarizing groups is worthy of effort. An answer to this question is that this research does have merit if group polarization is a process which may negatively affect the quality of group decisions, as in the case of groupthink. Subsequently, how to prevent detrimental group activity cannot be known until the group process in question is fully understood. The present study, for example, suggests that the biases of group members which are predominantly communicated during the initial phase of discussion are predictive of the direction of group polarization. Based on this empirical validity of one element of groupthink, communication instructors might suggest that group members avoid initially communicating preferences in favor of forwarding both pro and con positions at the outset of the discussion. Future research in this area could lead to additional proposals for preventing group dynamics that may be counterproductive to making effective decisions.

Footnotes

1. For thorough reviews of the literature correlating argumentation to polarization, see: Myers, D. G., & Lamm, H. The group polarization phenomenon. *Psychological Bulletin*, 1976, *83*, 602-627; Pruitt, D. G. Choice shifts in group discussion: An introductory review. *Journal of Personality and Social Psychology*, 1971, *20*, 339-358.

2. One thing which is, curiously enough, missing from empirical research on argumentation in polarizing groups is a definition of an argument. In its purest form, an argument is typically thought to include both a claim and a warrant. During group discussion, however, a discussant may very likely pose a warrant without a claim when the claim is obvious, or may propose a claim without a warrant if enough warrants have already been communicated by others to justify the claim. For this study, therefore, communication of a warrant without a claim or vice versa were considered to be persuasive communication acts because they contribute to the sense of consensual validation of positions favoring guilt or innocence in discussions of the cases.

References

Alderton, S. M. Attributions of responsibility for socially deviant behavior in decision-making discussions as a function of situation and locus of control of attributor. *Central States Speech Journal*, 1980, *31*, 117-127.

Bishop, G. D., & Myers, D. G. Informational influence in group discussion. *Organizational Behavior and Human Performance*, 1972, *12*, 92-104.

Burnstein, E. & Vinokur, A. Testing two classes of theories about group induced shift in individual choice. *Journal of Experimental Social Psychology*, 1973, *9*, 123-137.

Courtright, J. A. A laboratory investigation of groupthink. *Communication Monographs*, 1978, *45*, 229-246.

Janis, I. L. *Victims of Groupthink*. Boston: Houghton Mifflin, 1972.

Myers, D. G., & Bishop, G. D. Enhancement of dominant attitudes in group discussions. *Journal of Personality and Social Psychology*, 1971, *20*, 286-391.

Myers, D. G., & Kaplan, M. F. Group-induced polarization in simulated juries. *Personality and Social Psychology Bulletin*, 1976, *2*, 63-66.

St. Jean, R. Reformulation of the value hypothesis in group risk taking. *Proceedings of the 78th Annual Convention of the American Psychological Association*, 1970, *5*, 339-340.

Teger, A. I., & Pruitt, D. G. Components of group risk taking. Journal of Experimental Social Psychology, 1967, 3, 189-205.

Vinokur, A., & Burnstein, E. The effects of partially shared persuasive arguments on group induced shifts: A group problem solving approach. Journal of Personality and Social Psychology, 1974, 29, 305-315.

"THE BUDGET EXPENDITURE REDUCTION PROCESS: ITS EFFECT ON THE ARGUMENTATION AND DECISION-MAKING OF ELECTED OFFICIALS"

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It seems like everyone is having budget problems. The problems affect all levels of government, including the federal government, major cities like New York and Cleveland, many local governments, and even school boards.

The problems are especially tenacious because they contradict the public attitude that growth will continue. The 1950's and '60's experienced sustained economic growth with the effect that "take-home pay of citizens was increased and new public programs were created without accelerating the rate of inflation or forcing politically divisive tradeoffs between old programs and new demands." This period reinforced "citizens' beliefs that their system of government works to their advantage and that their taxes are being well spent by a government that is equitable, stable, and efficient."[1] This attitude is sufficiently entrenched so that citizens and politicians are unwilling to accept that something needs to be done.

> Most people will not believe cutbacks are necessary. We have lived with growth for too long. We have little experience with contraction, and our psychological defense will all work to convince us that, if we are only clever enough, retrenchment can be avoided (at least by us, if not by everyone else).
>
> Even an initial decline in resources will not alter this attitude. People will not believe the decline is permanent.[2]

Solving budget problems is indeed a principal--and increasingly becoming the most critical--function of those who manage public decision-making. Levine claims that "the basic mission of public management is balancing economic necessities with political realities."[3]

Most of the professional and academic literature which treats budgetary problems calls for "management" of the problem by adopting ways to cut back expenditures. Two of the most prolific writers in this area specifically call for a process to assist those responsible for solving the problem. Levine says that,

> jurisdictions with budget problems will have to set priorities. These will be politically charged and difficult decisions that can be made more easily by careful planning and the use of behavioral decision-making techniques.[4]

Behn claims that "a central decision-making authority must both develop the alternatives to be cut and choose between them,"[5] but neither he nor Levine offer a process for that central authority to utilize.

And that is what we[6] have attempted to do, to develop and offer a process which elected public officials can utilize to decide where to cut the budget.

In developing the process we observed that many public officials responded to problems of fiscal stringency--such as the sudden loss of a major federal grant or the expiration of a tax levy--with informal guidelines such as allowing no budget increases above the previous year's levels, cutting out all equipment purchases and reducing supplies to a bare minimum, putting a freeze on hiring, and imposing a uniform reduction on all departments, such as a 10 percent across the board cut. These guidelines are not irrational. A rough justice prevails in their use because they apply equally to all organizational units. But, with respect to producing a coherent program of public service, they are mindless. Substantively, these guidelines make no distinctions that take into account the relative benefits, equity, efficiency, and effectiveness of all services administered by the jurisdiction.

We also came to believe that creating a budget is not like slicing a pie (the typical analogy; in fact, many budgets are presented in pie-shaped charts), but similar to paring an apple. The appropriateness of this analogy becomes evident considering that decision-makers begin with a continuing set of programs; that the process of choice takes place at the margins; and that when the paring process is finished, what is left (though smaller) is still recognizable as an apple.

From this perspective, we assume that the master tool officials need to bring expenditures in line with anticipated revenues is a list of specific programs or activities arranged in order from most expendable to least expendable. With such a tool, a local legislature would only need to add the savings that would result from cutting the most expendable items on the list. When a control total is reached, the items that were added together would be eliminated from the budget. If such a listing were available, it would also be possible to decide at what point cuts would hinder so much that the focus would be on increasing revenues instead of making further expenditure reductions. This ideal expenditure-cutting tool would appear as in Figure 1. Needless to say, a priority list exactly like Figure 1 will never exist in the real world because group priorities are never that precise, and overlap often exists in the content of the activities.

Our goal was to come as close to the "master tool" as possible. What was needed was some way (1) to identify the specific programs or activities and (2) to arrange them in priority order according to a group's preferences.

John Warfield, an electrical engineer who is interested in the effective use of humans to address complex societal problems,[7] provides some insight into why it is difficult to solve budgetary problems and, especially, how a group might go about arranging many items in priority order. Warfield argues that,

- dialectic, a highly valuable social good (as evidenced by its practice in the United States from its inception), is a means to achieve the higher ends of constructing sound policy and creating decision-making structures that facilitate the making of effective decisions;
- achieving the ends of dialectic is dependent upon the quality of debate;
- the quality of debate has been deteriorating primarily due to the increasing complexity of systems and issues ("as issues grow more complex, it becomes progressively more difficult to communicate across the scope of an issue in a verbal setting") and the bounded rationality of the human being ("the human cannot handle logistically all of the knowledge available in working with complex issues").[8]

Warfield contends that the salvation of the quality of debate is the machine:

> To the extent that the human being is, by nature, of bounded rationality, the human sets the ultimate limit to the quality of debate as long as debate is perceived as a completely human enterprise. With such a perception the search for ways to overcome limitations of bounded rationality is severely constrained. But once that view of debate is dissolved, a means to force a retreat of these constraints can be sought outside the human being. Such means, still directed toward a society having greater solidarity, may invoke the division of labor, forcing on the computing machine that part of the intellectual activity which is most involved but least creative, retaining for the human being the most substantive aspects of the debate.

> To the machine is assigned the task of presenting information in such a way that important relations among pieces of information are indicated. Likewise, to the machine are assigned necessary manipulations of complex interrelationships to help assure consistency, the performance of routine logistical tasks in a nondisruptive manner, and the responsibility to be responsive to dialectic initiatives in a way consistent with sustaining effective dialog.[9]

Warfield calls this special use of the computing machine Interpretive Structural Modeling (ISM).

Warfield's argument and solution influenced us as we sought to discover a process to assist public officials in solving budgetary problems; in making budget expenditure reduction decisions. We have utilized a variety of techniques to accomplish the first step in the process, identification of specific programs or activities which might be cut, and we have utilized Warfield's invention, Interpretive Structural Modeling, to arrange the group's preferences in priority order.

Table 1 summarizes our experiences in implementing the Coke-Moore Budget Expenditure Reduction Process (BERP) in four places (one city and three counties). The table reveals that in step one, which we refer to as identifying cutback units, the elected officials either collectively identify components of the budget which should be cut, or independently identify the desirable and minimum acceptable levels of funding of budget components. We have utilized Nominal Group Technique (NGT),[10] Delphi/Questionnaires,[11] and interviews to accomplish step one.

We have utilized Interpretive Structural Modeling to accomplish step two--to arrange the group's preferences in priority order. Recall that we selected this process to enable us to cope with the complexity of issues and the bounded rationality of the human being.

The ISM process requires that the problem be expressed as an element set and a relation. The element set is a list of nouns or noun phrases (i.e. expenditure packages) that are relevant to the problem. A relation is a verb or verb phrase expressing a type of interaction among the elements (i.e. "is more expendable than"). The group makes paired comparisons among all elements in the element set ("Package A is more expendable than package B," "Package A is more expendable than package C," etc.). As group judgments are made on a pair-by-pair basis, a computer stores each judgment and draws logical inferences from previous comparisons. The overall result is that many elements can be structured in all their complex relationships, but the participants are required to deal with only two elements at a time.

In the Kent project the cutback units were the element set. The computer called up questions in this form:

> In reducing expenditures, should the council choose to:
>
> > Reduce programs in the planning department by 30 percent
>
> Before choosing to:
>
> > Eliminate overtime snow removal?

On questions such as this, a facilitator moderates a discussion, encouraging the expression of opposing viewpoints. When everyone who wishes to do so has had an opportunity to comment, the facilitator calls for a yes-or-no vote.[12] A simple majority rules, with ties counted as a no vote.

The Kent Council considered 23 programs and activities.[13] The council conducted a four hour, intense discussion in which it compared the 23 programs and activities, each in relation to all the others. That required 126 votes. The computer was able to feed the results back immediately so the session ended with the council being shown how it structured the items. Figure 2 is the resulting intent structure.

To summarize:

- Our goal has been to provide elected public officials with a process which they can utilize in making budget expenditure reduction decisions;

- The essential stages of the process are to identify cutback units and to put cutback units into priority order;

- We have utilized a variety of methods to identify cutback units and we have utilized Interpretive Structural Modeling, a computer assisted decision tool, to put the cutback units into priority order.

What seems to be the effect of the Budget Expenditure Reduction Process and what does it reveal about the argumentation and decision-making of elected officials?

Richard McGraw, Genesee County Controller, offered the following summary statements about the process:

> The process enabled the Board of county commissioners to review the various services in the County and compare services with each other in a rational and orderly manner. The Board was able to determine which services they thought were most expendable and which they thought were

least expendable. As a result, the Board reduced budget expenditures by approximately $4 million and brought expenditures in line with revenues. Overall, the process achieved the goal it was designed to achieve.[14]

Walter Adams, a city council member in Kent, Ohio at the time the process was implemented there, said that the process "assisted in formulating a general sense of priorities among the council as a group, and resulted in a consensus as to general areas where it would be necessary to cut first when required." Adams explained that participation in the budget exercise "strengthened a sense of relationship and interdependence among the various elements of the budget and illuminated the impact of a decision in one part of the budget on another part of the budget." The process, according to Adams, "resulted in a cohesiveness to the council as a group, and minimized political differences."[15]

McGraw, Adams, and others[16] reveal that the BERP process is more rational, orderly and thorough than the means they utilized previously to make budget expenditure reduction decisions. They also claim that it takes less time, encourages more learning about the budget and the services provided, and encourages--rather than discourages--group cohesion.

It is a bit pretentious for one of the developers of the process to accept such claims at face value. However, there are reasons why such results could occur. It is reasonable to believe that the BERP encourages more learning about the budget and the services provided. We have found that the linking of group processes in series, so that the output of one becomes the input of the next, greatly facilitates learning. By looking at the same item in different ways, the policymaker becomes more aware of the various meanings of the item. Only about 20 percent of the cutback units in the Kent project that were judged highly expendable in the NGT session emerged as highly expendable in the ISM structure.

Councilman Adams mentioned that the city council became more cohesive as a result of participating in the process. We believe that group process techniques can be responsible for this outcome. Unfortunately, the parliamentary procedures in common use tend to accentuate divisions within a decision making body. They do this by identifying items with individuals or blocs. By contrast, the group processes used in Kent encouraged the council to view the list of cutback units as group property. This led to forms of cooperative behavior that sharpened differences of opinion where real differences existed, but at the same time prevented differences from contaminating areas of basic agreement. Using this process a group can focus on the task itself, rather than having its attention deflected to the connotations of the task. The

Kent council was more productive and much less rancorous in the ISM session than it had been the previous evening in a regularly scheduled meeting.

Because the processes encouraged a free flow of ideas, the council members learned more about each other. All participated in the discussions; no single person or group attempted to dominate the sessions. After the session a number of the council members made the point that the process simply did not allow for coalitions to form or for there to be bloc voting. This also contributed to viewing the results as group property.

There is another perspective to the issue of group property. Because the budget process is so complex and so political, there is a very strong tendency on the part of elected officials to shift responsibility for the budget to the chief executive responsible for preparing a balanced budget. The unintended consequence is the further debilitation of legislative institutions, since the difficult choices are made in the executive branch before the local legislature ever sees the budget document. It seems quite appropriate to ask elected public officials to make critical choices among programs in order to perform their representative function. Richard McGraw, the Genesee County controller, explained that:

> "The board always relied on me to determine this and determine that and to make recommendations. It is very difficult to make a recommendation on the level of a service or a priority of a service. As a result of this process, the burden was taken off my shoulders, since the responsibility was placed on the Board of Commissioners, where it should be, to determine their feelings about services and how they feel about one service with another service."

The final measure of the effectiveness of the process would be how it was used. In each application it has provided the basis for determining the budget and for making future budget decisions. Once the structure of preferences has been created it can be utilized to weigh future budgetary matters. The elected officials can ask themselves, is what is being proposed more or less important than the items we found expendable in the budget?

Over the past five years I have had an opportunity to serve as a consultant to elected public officials at every level of government.[17] That experience has confirmed the view that public debate is often a charade, decisions have typically been made in some other forum. Moreover, when the decisions have not been made in some other way and there are real stakes resting on the outcome of the debate, the debate is usually mediocre at best. Warfield's analysis regarding the reasons for the decline in the quality of debate applies in part. Political debate is mediocre because the issues are beyond the comprehension of the participants. It is also important to realize that a politician's ultimate reward, her self-preservation, requires that she "seek to enhance her control over resources, and spend those resources to cement a political following."[18] Such a view argues for self-interest, rather than group interest, and an argumentative stance that requires reciprocal behavior and incremental decisions.

According to the participants, the Coke-Moore Budget Expenditure Reduction Process has addressed these concerns (at least in part) and has enhanced the quality of public debate; it has allowed for a more rational, thorough, group-centered, public process. In argumentative terms, it has redefined issue analysis as it pertains to budget decision-making. This is true for two primary reasons. First, the ISM procedure seems especially adapted to budgeting. Budget decisions are often posed incorrectly; they needlessly force decision-makers to deal in absolutes by asking the question, "Should we cut X?" The real issue, which ISM accomodates, is, "Should we cut X before we cut Y?"

Second, the experiences in Kent and in Genesee and Wayne counties, suggest that budgeting should always be defined as a reduction process, even if total expenditures are permitted to rise. If the two basic steps of defining cutback units and then arranging them in order of expendability are followed, decisionmakers make their choices at the margins in all situations. Expansion can be as carefully planned as contraction.

These processes do not remove politics from the budget process. What they do is allow political decision-makers to conceptualize a complex budget problem in a different way. By becoming more aware of options and their consequences, they can create a political consensus from a new perspective. Mark Wawro, a member of the Genesee County Board, explains:

> As a matter of fact, it was better than I expected. Initially, I thought the decision-making with the computer . . . would take the final decision completely out of the realm of parliamentary procedure and the political process, but I've found in going through the system it has provided us with a starting point now that we will apply the political process to those priority rankings . . . so it was better than I thought.[19]

The most substantive deficiencies in the process are:

- We have not yet helped groups to establish formal criteria to be used in making choices. While criteria do emerge when elected officials have to choose between the cutback units, there is little assurance that the criteria will become group property or be applied consistently. We are currently attempting to establish a range of criteria which groups can select between and then use to guide them in their decisionmaking.

- It is difficult to prepare groups adequately for the substantial fatigue factor which results from using Interpretive Structural Modeling. ISM sessions require many decisions to be made and it takes a substantial amount of time for that to happen. Groups also find it irritating that each item has to be considered repeatedly. Without very skilled facilitation a group will resist the process.

- The matter of skilled facilitation suggests the next deficiency. Knowledge about the technique does not assure success in the application of the process. Skill in utilizing the techniques and substantive knowledge about the budget process are necessary to administer the process.

- It may not be possible to transfer the process to use by others. Those who have participated have been able to replicate some or all of the process on their own, but there is a serious issue regarding the availability of the computer software. Currently it is not available for use by a large number of groups. We have investigated placing it on a national software network, programming a micro-computing version which would be self-contained and more flexible, and developing a machine-independent way to set priorities, but none of these potential options has materialized as yet.

FOOTNOTES

[1] "The new crisis in the public sector," Charles H. Levine, in Charles H. Levine (ed.), MANAGING FISCAL STRESS (Chatham House Publishers, Chatham, New Jersey, 1980), p. 3.

[2] Robert D. Behn, "Leadership for cut-back management: the use of corporate strategy," PUBLIC ADMINISTRATION REVIEW (November/December 1980), p. 615.

[3] Charles H. Levine, "Management decisions in the face of budget constraints," in Herrington J. Bryce (ed.), MANAGING FISCAL RETRENCHMENT IN CITIES (Academy for Contemporary Problems, Columbus, Ohio 1980), p. 15.

[4] In Bryce, p. 15.

[5] Behn, p. 615.

[6] I use "we" because the process was developed and implemented in two places with my colleague and mentor, James Guthrie Coke, who is now deceased.

[7] The titles and content of two of Warfield's books suggest his interest: An Assault on Complexity (Battelle - A Battelle Monograph, Number 3, April 1973) and Societal Systems: Planning, Policy and Complexity (John Wiley and Sons, 1976).

[8] SOCIETAL SYSTEMS, pp. 48-50.

[9] SOCIETAL SYSTEMS, pp. 50-51.

[10] The Nominal Group Technique (NGT) is a method of structuring small group meetings. The technique is helpful in identifying problems, exploring solutions, and establishing priorities. NGT begins with each person silently writing a list of items in response to a question, which in the Kent project was: "If 1979 city expenditures must be reduced, which proposed programs and activities should be eliminated?" The NGT process next requires the group members to give their facilitator one item from their lists. They were instructed to express each item in such detail that the dollar savings could be specified. The leader records it on newsprint in front of the group. This process is continued until all members have given all their items. The Kent City Council named 49 items as candidates for expenditure reduction. The

sheets of newsprint are taped to the wall and the items are discussed one by one. Lastly, the group votes individually and anonymously on the most important items. The council members were asked to select the nine most important items, giving a vote of nine to the most important, eight to the next, and so on. After the session was over, the acting city manager calculated the estimated savings for each item. For a description of NGT see James G. Coke and Carl M. Moore, Guide for Leaders Using Nominal Group Technique (Academy for Contemporary Problems, Columbus, Ohio 1979).

[11] Delphi is a way to aggregate the judgments or views of a number of experts, using a series of questionnaires, usually anonymous. An expert is someone who possesses the knowledge or experience necessary to participate in a Delphi group. A nuclear physicist is an appropriate expert if the Delphi concerns atomic energy and a resident of a neighborhood is an appropriate expert if the Delphi concerns community goals. Individual contributions are shared with the whole group by using the results of the prior questionnaire to construct the next one. In the Kent project the NGT results were the raw material for the first Delphi questionnaire. The 49 NGT items were listed on a mailed questionnaire that asked council members to rate each on a five-point expendability scale. They were assured anonymity in their responses. Along side of each item were the estimated savings and the NGT vote. The expendability judgments were made by circling the appropriate number. Because the high priority items totaled only $1.1 million in estimated savings, council members were encouraged to list additional programs where cuts should be made. Ten additional items were suggested. The second round of the questionnaire conveyed the initial results to the council and asked them to rate the new items on the same expendability scale. For a description of Delphi see Harold A. Linstone and Murray Turoff (eds.), The Delphi Method: Techniques and Applications (Addison Wesley, Reading, MA, 1975).

[12] It is important to assign someone to take notes on the discussion of each paired comparison. The expression of opinions is frequently a clue to basic preferences and is a valuable source of information which can be analyzed at some future time.

[13] Knowing that 59 items could not be rank-ordered in one evening session, we presented the largest and most controversial reductions to the Kent council, so that it would have a basic structure into which it could fit less important items later on. That is the reason for 23 rather than 59 items.

[14] James Coke and Carl Moore, "Final Report: Genesee County Budget Expenditure Reduction Project," (Academy for Contemporary Problems, Columbus, Ohio, 1979), p. 4.

[15] Councilman Adams's remarks were made at a financial management conference sponsored by the Department of Housing and Urban Development in Detroit in June 1979 and reported in James Coke and Carl Moore, "Chapter Five: Coping with a Budgetary Crisis: Helping a City Council Decide Where Expenditure Cuts Should be Made," in Stephen W. Burks and James J. Wolf (eds.), *Building City Council Leadership Skills: A Casebook of Models and Methods* (National League of Cities, Washington, D.C., 1981), pp. 66-74.

[16] James G. Coke and Carl M. Moore, *Toward a Balanced Budget: Making the Tough Decisions* (25 minute videotape and booklet on the Genesee County use of the Coke-Moore Budget Expenditure Reduction Process), (National Association of Counties, Washington, D.C., 1981). Comments are interspersed throughout the booklet. The videotape provides an especially good source of comments about the process from the perspective of those who participated in it.

[17] The author has served as a fellow of the Academy for Contemporary Problems, the research and training foundation of the seven national associations of state, county and city governments in the United States.

[18] Irene Rubin, "Preventing or Eliminating Planned Deficits: Restructuring Political Incentives," *Public Administration Review* (November/December 1980), 621.

[19] *Toward a Balanced Budget*, p. 13.

Figure 1. The Ideal Expenditure-Cutting Tool

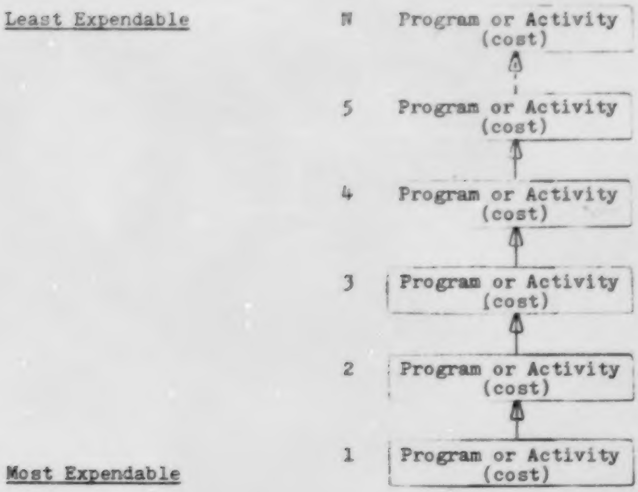
Least Expendable
N Program or Activity (cost)
5 Program or Activity (cost)
4 Program or Activity (cost)
3 Program or Activity (cost)
2 Program or Activity (cost)
1 Program or Activity (cost)
Most Expendable

FIGURE 2

EXPENDITURE CUTS BY PRIORITY

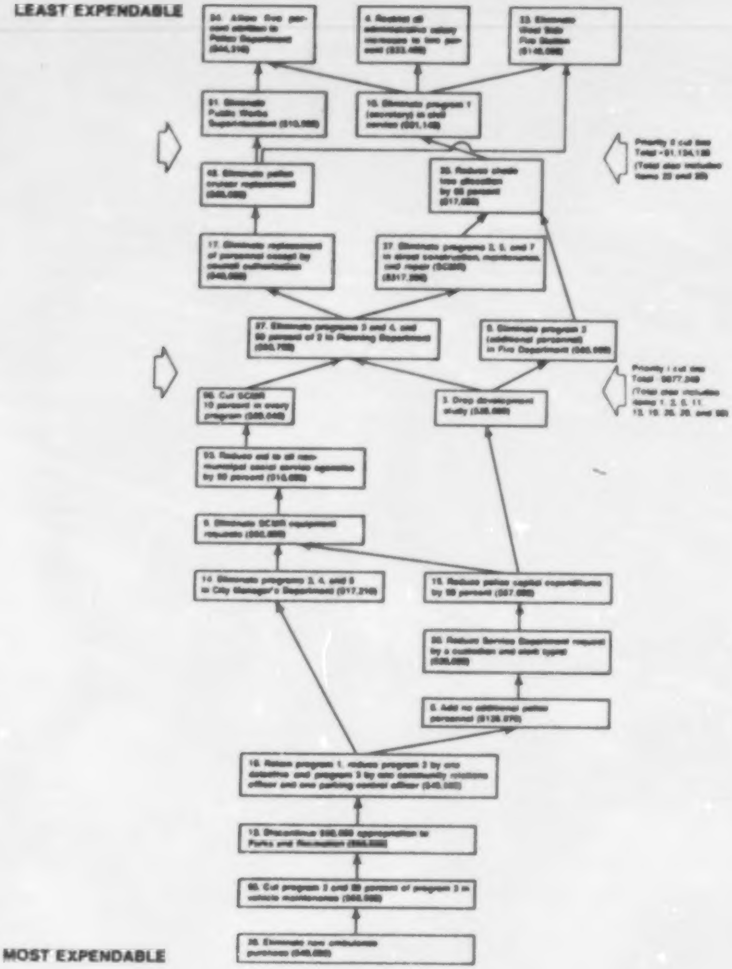
LEAST EXPENDABLE
24. Allow five percent attrition in Police Department
4. Restrict all administrative salary increases to two percent
33. Eliminate West Side Fire Station
51. Eliminate Public Works Superintendent
10. Eliminate program 1 (secretary) in civil service
Priority 2 cut line
(Total also includes items 22 and 35)
48. Eliminate police cruiser replacement
35. Reduce shade tree allocation by 50 percent
17. Eliminate replacement of personnel except by council authorization
37. Eliminate programs 2, 5, and 7 in street construction, maintenance, and repair (SCSDR)
27. Eliminate programs 3 and 4, and 50 percent of 2 in Planning Department
8. Eliminate program 3 (additional personnel) in Fire Department
Priority 1 cut line
(Total also includes items 1, 2, 5, 11, 13, 19, 26, 28, and 50)
56. Cut SCSDR 10 percent in every program
3. Drop development study
53. Reduce aid to all non-municipal social service agencies by 50 percent
9. Eliminate SCSDR equipment requests
14. Eliminate programs 3, 4, and 5 in City Manager's Department ($17,210)
15. Reduce police capital expenditures by 50 percent
20. Reduce Service Department request by a custodian and clerk typist
5. Add no additional police personnel ($128,070)
16. Retain program 1, reduce program 2 by one detective and program 3 by one community relations officer and one parking control officer
12. Discontinue $30,000 appropriation to Parks and Recreation
50. Cut program 2 and 50 percent of program 3 in vehicle maintenance
29. Eliminate new ambulance purchase ($40,000)
MOST EXPENDABLE

Table 1. COKE-MOORE BUDGET EXPENDITURE REDUCTION PROCESS (BERP)

STAGES		PROCESSES UTILIZED	PLACES IMPLEMENTED			
			Kent, Ohio	Genesee Cty., Michigan	Wayne Cty., Michigan	Preble Cty., Ohio
REVIEW EXISTING BUDGET SYSTEM	(Including budget, protocals for budget decision-making, time-table, sequence of steps in preparing budget, local-state regulations/constraints on spending)					
I. IDENTIFY CUTBACK UNITS "cutback units" are programs or activities to be eliminated completly or coherent elements that can be pared away from a program without either destroying its basic purpose or leaving it impossible to administer. The only requirement is that the cutback units be capable of precise costing.	A. (optional) REVISE BUDGET SO THAT IT IS AMENABLE TO DEVELOPING CUTBACK UNITS.					
	B. (optional) STAFF IDENTIFIES BUDGET COMPONENTS WHICH ARE OUTSIDE OF BERP.	QUESTIONNAIRE		X (completed after step D)	X (completed before step D)	
	C. ELECTED OFFICIALS COLLECTIVELY IDENTIFY COMPONENTS OF BUDGET WHICH SHOULD BE CUT.	NOMINAL GROUP TECHNIQUE	X			X (utilized NGT to determine cuts and additions)
	and/or					
	D. ELECTED OFFICIALS INDEPENDENTLY IDENTIFY - most desirable and - minimum acceptable LEVELS OF FUNDING OF COMPONENTS OF BUDGET.	DELPHI/QUESTIONNAIRES		X		
		INTERVIEWS			X	
	E. (optional) ELECTED OFFICIALS (INDEPENDENTLY) IDENTIFY ADDITIONAL COMPONENTS OF BUDGET WHICH SHOULD BE CUT.	DELPHI/QUESTIONNAIRES	X	X		
II. PUT CUTBACK UNITS INTO PRIORITY ORDER A "priority order" lists the cutback units from most expendable to least expendable.	A. (optional) STAFF ANALYZES ELECTED OFFICIALS' (INDEPENDENT) ASSESSMENTS OF LEVELS OF FUNDING OF COMPONENTS OF BUDGET TO IDENTIFY COMPONENTS WHICH ARE: - likely candidates to be eliminated from the budget, - outside of priority-setting decision-making, - to receive further consideration.			X	X	
	B. ELECTED OFFICIALS COLLECTIVELY DECIDE ON RELATIVE PRIORITY OF COMPONENTS.	INTERPRETIVE STRUCTURAL MODELING	X	X	X	

HEURISTIC AND ERISTIC RHETORIC IN SMALL GROUP INTERACTION: AN EXAMINATION OF QUASI-LOGICAL ARGUMENT

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In appearance, argument seems not only incompatible with discussion but antithetical to the function of group communication. Argumentative or eristic discourse is essentially adversarial confrontation between individuals while discussion involves collective deliberation among individuals and promotes group synthesis culminating in shared agreement. When, however, argument is considered important to group communication, and when a group wishes to argue as a group, a modification of the heuristics of the conventional modalities of eristic discourse is in order.[2] This essay advances the claim that argument in group situations deviates from conventional forensic procedures to such an extent that it can be more accurately considered to be protreptic rather than eristic discourse.[3] Specifically, the conventional protocol of eristic argument is inappropriate to the presumptions of group discussion and forensic procedures need to be modified from eristic to protreptic discourse if argument is going to be present in group situations. The nature and implications of these differences is made apparent through an awareness of how rhetoric operates in argumentative group discussion, the heuristic processes which are used in generating arguments in group situations, and the modalities of argument which distinguish eristic and protreptic protocol in group deliberation.

The claims advanced in this work are based upon the presupposition that individuals bring to a discussion their own hierarchies of values as well as modalities of presenting and advancing claims. Realizing these vectors should aid in understanding how disagreement can be resolved collectively. The most important point of the paper is that when a group deals with argument it engages in a rhetorical act in which members initiate deliberation with autonomous heuristic processes for advancing positions. These heuristic presuppositions and modalities by individual group members are both ways of constructing knowledge leading to meaning as well as strategies for articulating thoughts and sentiments. Such presuppositions in the nature and mode of argument must be synthesized if *ad hoc* group rationality and, consequently, group agreement is to be attained. Since heuristic presumptions are the force which drives the responses of individuals, a clear synthesis of heuristic presumptions early in the discussion will be invaluable in establishing the modalities of argument for the group and lead toward protreptic deliberation rather than eristic advocacy. It is the collective synthesis of heuristic protocols which will be the force in sharing agreement in group deliberations.

First it is important to recognize when group communication is a rhetorical act. Many groups come into existence expressly for the purpose of argument, since resolution via argument will enable a collective sense of rationality to be articulated. Group discussion is rhetorical when its function is to resolve problems, secure agreement either as a means of promoting solidarity or attaining a particular task-oriented function. Thus, whether as an extrinsic or intrinsic function, argument can be a vector in group discussion. Group communication can be rhetorical not only by its function but also by its nature, since argument exists within the contingencies which make it quasi-logical both in conceptualization and articulation. That is, although the modalities of logical argument may be presented in form, the constraints of time, the field-dependency of particular *topoi* and the hierarchies of values and opinions within or peculiar to the circumstances of each group make it a quasi-logical or rhetorical process.

The interaction and collective nature of argument in group rhetorical situations makes apparent both the central importance of recognizing the disparate and collective notions of knowledge members bring to a group as well as the central importance of accounting for heuristic processes involved in a synthesis of rationality. Because group argument is quasi-logical, individuals within a group not only bring to a discussion their opinions of "facts" but also what is admissible as a fact and, eventually, what can be admissible in the establishment of facts. Building on the views of Michael Polanyi, Lloyd Bitzer has shown the importance of distinguishing between what individuals take as their own personal facts and what they view as public facts. The implications of these notions of knowledge should be apparent for group discussion. Certain individuals could take it as "public knowledge," for example, that one race is superior to another, or know from "personal fact" that one person--because of his or her nationality--should not be trusted as a source. No matter how misguided we may consider this "public" and "personal" notion of knowledge we cannot dismiss its potential as establishing presumptions for quasi-logical arguments to all subsequent group argument.

Presumptions need not only be taken as factual but also as procedural processes and, if accounted for, can provide a filter to screen our unsubstantiated opinions. Such is the situation when, for example, a group of jurors deliberates over the justice of a case with the presumption of innocence rather than guilt. "Factual" and procedural presumptions are so inherent in individual and group psychology that they must be considered or the evaluation of every argument within a discussion risks contamination by unwarranted presumptions, since individuals bring to a discussion an aggregate of *topoi* which they can take as presumptions for grounding particular preferences and for generating arguments. Moreover, members of the group have some degree of heuristic competency which enables them to match the *topoi* grounding the hierarchy of their values with the particular preferences articulated. Ruth Ann

Clark and Jesse G. Delia speak to this point in their essay, "*Topoi* and Rhetorical Competence," when they argue that "in any interaction situation participants must generate some shared conception of the norms governing conduct if interaction is to proceed smoothly."[9] In this respect, the quasi-logical nature of rhetorical discourse in this form of group discussion is predicated upon a ranking of *topoi* and an heuristic process for slotting particular claims to this general construct. The importance of heuristic procedures for discovering appropriate *topoi* are also of importance in discovering the most sensitive mode of presentation in group communication. One of the most convincing statements of how an heuristic process such as the enthymeme is bound to the listeners' presumptions is Lloyd Bitzer's "Aristotle's Enthymeme Revisited." In this essay Bitzer claims that enthymemes occur "only when speaker and audience jointly produce them" and that "owing to the skill of the speaker, *the audience itself helps construct the proofs by which it is persuaded*."[10]

In addition to the notions of substantive and procedural presumptions which individuals bring to a group, one must also consider the modalities of argument as an heuristic process. All of us have experienced the frustration of having an opinion damed from the start because we "argued like and egg-head" and not talked like a "normal" person. These experiences should reveal that the modality of style of argument is a force--albeit an indirect force--in group argument.[11] In a group situation we can even bring presumptions of argumentative modalities; clearly all of us have experienced that there are proper "ways of arguing" at faculty meetings and proper ways of arguing at poker games. Both are group situations and each requires sensitivity to what modes are appropriate. Yet, what is operating in these two distinct groups is essentially similar: a sensitivity to the conventional modalities of argumentative style as well as the appropriate *topoi* of argumentative types.

The importance of viewing communicator style as a heuristic process extends beyond a preference for some standard of propriety, for compatibility in the modality of argumentative style in group communication can itself be a vector in attaining agreement. For example, in academic groups such as the one referred to a few moments ago, there is a presumption that a hypotactic style will be used in suasory discourse; that is, part of the force of the point being made is how explicitly a line of argument can be tracked out and made apparent to colleagues.[12] It is only under special situations where a professor can have such established credibility that this hypotactic style can be abandoned and claims can be indirectly forceful because they come from an authority of established credibility.[13] Conversely, in less formal situations paratactic styles in group discussion are presumed;[14] that is, under certain conditions no one in a group expects elaborate, apodectic structures of causal reasoning for warranting claims and would probably find such structuring to be contrived and tedious, as many faculty members are willing to admit after their deliberations are concluded. Rather, group members are frequently encouraged to express points in a spontaneous manner, which usually exhibits itself in a cumulative, paratactic style where one idea is progressively added onto the next.

All of the above is presented to establish two important points. First, in group situations where argument is called for there is a critical importance in determining what the group will expect as both personal fact and public knowledge and the *topoi* for the ranking of personal preferences into an agreed upon hierarchy of values which will be used as the presumptions upon which arguments are advanced. Secondly, there is also importance in realizing the appropriate hypotactic and paratactic modalities of argument for the group. Individuals come to groups with presumptions about both vectors but it is one's ability to develop and modify presumptions and argumentative modalities which will determine effectiveness.

The heuristic processes mentioned above are both *ad hoc* as well as *ad hominem*. That is, it requires heuristic ability in that it demands that individuals adapt *ad hoc* to a particular group. This *ad hoc* adaptation to other group members means that their *topoi* and argumentative modalities be directed *ad hominem* in the sense of--as Henry W. Johnstone, Jr. argues--"the criticism of a position in terms of its own presuppositions."[illegible] In brief, arguments are valid only as judged by others and, since all argumentative discourse in group situations is obviously directed toward others, it much be *ad hominem*.[illegible] Moreover, since group argument requires a synthesis of group rationality it is protreptic rather than eristic in its mode. Consequently, all argument must be directed toward a collective notion of acceptance and validity within the group or agreement cannot be attained. If, as indicated above, there is no shared basis of agreement for the heuristic presumptions and argumentative modalities there can be no collective sense necessary for *ad hominem* arguments to be predicated upon, unless that uniformity existed by chance and not design. Operating at the essence of group argument is a grounding of what constitutes the "reality" of the group:[illegible] that is, the hierarchy of values, *topoi* and argumentative modalities which are the basis for group argument. If we have a thorough understanding of these heuristic processes we will not only understand the argument which is generated but also how and why misunderstanding occurs in these situations.

The task for the remainder of the paper is to discuss the implications of heuristic processes on quasi-logical argument in the dynamics of group communication with an emphasis on the nature of protreptic discourse. Moreover, all the heuristic processes which aid in the strategies of choice and selection of data, as well as hypotactic and paratactic modalities of argumentative expression, are the result of personal selection of some hierarchy of preferences. Thus, even in the conceptualization of *topoi* and style there is an argumentative choice being made by each individual of the group, for each individual synthesizes preferences of style in respect to some view of the group. As a result, individual heuristic processes yield an autonomous set of multi-rhetorics with quasi-logical presumptions brought into the group situation. If accurate, each group member would have generated through his or her heuristic processes an appropriate set of arguments and argumentative modalities. The problems this poses are obvious: the chances of agreement on claims, the admissibility of proof and the protocol of delivery being uniform or even compatible are slim. As is normally the case, individuals constantly modify their heuristic choices by data received in the discussion but that in no way insures that an accurate collective notion is attained even when the group reaches consensus. As a result, individuals may be repressed in articulating their views or agree or disagree for the wrong reasons.

The need in such argumentative situations as those outlined above is to move from an eristic modality of autonomous multi-rhetorics to an *ad hoc* group synthesis. This necessitates not only that there be a sort of group heuristic but also that eristic modalities of expression be replaced by protreptic protocol. Eristic discourse encourages advocacy by generating arguments intended to have compelling force toward securing conviction. While having the force of quasi-analytic argument it usually deters the collective interaction which is the *sine quo non* of a group by having group members bring heuristic perspectives into clash rather than synthesis. Such a perspective will not encourage a move from discrete multi-rhetorics to an *ad hoc* synthesis but could lead to either compliance, estrangement or ambivilance on the part of other group members. Protreptic discourse, while maintaining its classical distinction as a form of argumentative discourse, is nonetheless directed toward a didactic, horatory and synthetic acquisition of a particular position.[18] In short, protreptic rhetoric is directed toward moving from a multi, autonomous set of personal rhetorics to an *ad hoc* group rhetoric by displaying and articulating heuristic presuppositions.[19] The strongest proponent of the position that individuals should direct their heuristic capacities toward protreptic rather than eristic discourse is Plato. In his dialogue, *Euthydemus*, Plato delineates his major criticism of eristic argument, claiming that it is only sophistic wizardry intended to overwhelm and beguile the unlearned by the appearance of wisdom but not to quest after knowledge.[20] Protreptic discourse, on the other hand, quests after what is the very essence of group interaction: directing heuristic capacities toward a collective dialogical understanding leading to agreement.[21]

In the sense indicated above, eristic discourse may be argumentative but not reasonable, in that it advocates rather than synthesizes argument in group situations. In eristic argument heuristic presumptions and argumentative modalities are commonly treated as fixed preconditions. The implications of this perspective toward argument are revealing. While argument itself has a place in group discussion only protreptic argument fits the protocol of what constitutes normal behavior in group situations. Eristic discourse is not only unyielding but it is adversarial to the extent that the expectations of this mode of argument are not to synthesize heuristic perspectives for collective agreement but to advocate. To some this may appear to be little more than a dispositional quality, that is, that a participant be "open" or Rogerian in his or her approach to arguments. For our purposes, it means that part of the function of group discussion is to seek a synthesis of these multi-rhetorical perspectives in an effort to arrive at an *ad hoc* collective set of presumptions of what constitutes proof of claims and appropriate modalities of arguments. Thus, one of the goals of such a group would be that a synthesis of resolution will be preceded by a synthesis of these multi-rhetorical perspectives.

Failure to acknowledge these perspectives can lead to consequences which are disastrous to group interaction. Without acknowledging heuristic presuppositions arguments can more easily be waived away, silenced, ignored, replaced by arbitrary choice or even force and violence. With a synthesis of heuristic presuppositions group members can have a clearer opportunity to track out argument and see the *topoi* of values driving another person's perspective and subsequently uses such heuristic processes as the attainment of *stasis* to agree on the point at issue.[22] The group which replaces an eristic notion of argument with a protreptic one will, as a consequence, encourage synthesis rather than advocacy. Without this collective notion the group is reduced to a gathering of autonomous orators, each declaiming his or her thesis. With an establishment of these heuristic presumptions the way is clear for a collective notion of presumptions and modalities leading to an interaction of perspectives on the central issues to be discussed.

All of this is beneficial if there is a system by which heuristic presumptions can be established. Fortunately, heuristic procedures growing out of classical rhetoric have established clearly structured systems which can be applied to group argument. The following example will illustrate such heuristic processes. In classical rhetorical theory an argument is called for because there is a problematic situation which has incompatible alternatives whose merits are unclear. Classical theory focuses on the central point at issue (or *stasis*) and builds into its structure the presumptions which must be first agreed on for a resolution to occur. After agreement on the argumentative modalities is reached, criteria ranking *topoi* of preference are articulated and established in an agreed upon hierarchy.[23] This hierarchy of values and agreed upon modalities of argument are the presumptions upon which policies are advanced for consideration and even subjected to counter-argument. After agreement at this level of argument is attained, solutions are advanced to implement the policies and these also are subjected to counter-argument. Out of this process an agreed upon policy is formed which is based upon the previously established presumptions. The system mentioned above is grounded in classical rhetorical theory and intended for public argument, but the implications for its use in group argument is apparent and meets the conditions presented in this paper as central to the thesis because each procedure is based upon an explicit synthesis of agreement by members in the form of presumptions about heuristic processes and argumentative modalities.

Several points made throughout this essay can now be brought into focus. First, it is apparent that rhetoric is inherent in group argument and that heuristic processes of conceptualization and articulation of individual positions must be synthesized *ad hoc*. These classical heuristics mentioned above necessitate an articulation of both hierarchy of values and argumentative modalities as a precondition for arriving at the point at issue, advancing positions and thus, in group situations, provide an opportunity to articulate individual positions. Secondly, this modified classical system constantly encourages protreptic rather than eristic discourse by building in opportunities for dialectical interchange at significant junctions leading to agreement; such is the case with the presumptions grounding argumentative modes, defining of the problematic situation and point at issue, the hierarchy of values leading to the policy and solution, etc. Third, Johnstone argued in his essay, "From Philosophy to Rhetoric and Back," that rhetoric need not be unilateral, directive and manipulative but could be bilateral by a mutual exposing of techniques.[24] In respect to the topic under discussion, argument in group discussion need not be unilateral but multi-laterial, if a synthesis of heuristic processes and protreptic modalities is attained. Thus, at every significant juncture there is the opportunity for a synthesis of argumentative perspectives. In this respect, the individuals who comprise the group not only form an agreement, they have the potential of forming one collective mind, for protreptic discourse is directed toward a synthesis of rationality through a unification of the processes mentioned above.

This essay has attempted to show the centrality of heuristic processes in group argument as well as the protocols which distinguish eristic from protreptic argument. Recognition of these points will make apparent the importance of establishing heuristic processes for group argument which provide the opportunity for a synthesis of argumentative perspectives with clearly recognizable points of agreement. The importance of such a system was recognized by classical rhetoricians for public discourse. Yet, recognition of the distinctions of heuristic processes between eristic and protreptic discourse—as this paper has attempted to demonstrate—can lead to a better understanding of the nature and processes of argument in group situations. Moreover, the classical heuristic procedures for argument is a system which can be easily modified to meet all the conditions necessary for productive argument in group situations.

[1] For a discussion of eristic discourse see: Chaim Perelman and L. Olbrechts-Tyteca, *The New Rhetoric: A Treatise on Argumentation*, trans. John Wilkinson and Purcell Weaver (Notre Dame, Indiana: University of Notre Dame Press, 1969), pp. 37-39.

[2] An explanation of heuristics is provided in: Richard E. Young and Alton L. Becker, "Toward a Modern Theory of Rhetoric: A Tagmemic Contribution," *New Rhetorics*, ed. Martin Steinmann, Jr. (New York: Charles Scribner's Sons, 1967), p. 89.

[3] The fundamental distinctions between eristic and protreptic discourse are discussed in: Stephen Skousgaard, "Genuine Speech vs. Chatter: A Socratic Problematic," in *Plato: True and Sophistic Rhetoric*, ed. Keith V. Erickson (Amersterdam: Rodopi, 1979), pp. 379-380.

[4] The situations in which rhetoric can occur are presented in: Lloyd Bitzer, "The Rhetorical Situation," *Philosophy and Rhetoric*, 1 (Winter 1968), 1-14.

[5] Perelman and Olbrechts-Tyteca, *The New Rhetoric*, pp. 63-114, especially p. 83.

[6] Perelman and Olbrechts-Tyteca, *The New Rhetoric*, pp. 193-194.

[7] Lloyd Bitzer, "Rhetoric and Public Knowledge" in *Rhetoric, Philosophy, and Literature: An Exploration*, ed. Don Burks (West Lafayette, Indiana: Purdue University Press, 1979), pp. 84-85.

[8] Aristotle, *Rhetorica* 2. 22. 23.

[9] Ruth Ann Clark and Jesse G. Delia, "*Topoi* and Rhetorical Competence," *Quarterly Journal of Speech*, 65 (April 1979), 192.

[10] Lloyd Bitzer, "Aristotle's Enthymeme Revisited," *Aristotle: The Classical Heritage of Rhetoric*, ed. Keith V. Erickson (Metuchen, N. J.: The Scarecrow Press, Inc., 1974), p. 151.

[11] Maurice Natenson, "The Arts of Indirection," *Rhetoric, Philosophy, and Literature*, p. 41.

[12] Perelman and Olbrechts-Tyteca, *The New Rhetoric*, p. 157.

[13] Natenson, "The Arts of Indirection," *Rhetoric, Philosophy and Literature: An Exploration*, pp. 43-44.

[4] Perelman and Olbrechts-Tyteca, *The New Rhetoric*, p. 15.

[5] Henry W. Johnstone, Jr., *Validity and Rhetoric in Philosophical Argument: An Outlook in Transition* (University Park, Pennsylvania: The Dialogue Press of Man and World, 1978), p. 134.

[6] Richard Leo Enos, "[Review of] *Validity and Rhetoric in Philosophical Argument: An Outlook in Transition* . . . ," *Philosophy and Rhetoric*, 13 (Spring 1980), 140–143.

[7] Perelman and Olbrechts-Tyteca, *The New Rhetoric*, pp. 415–419.

[8] Plato, *Euthydemus* 278C,D; 288D,E; 282D.

[9] The protreptic process addressed here is compatible with the spirit of Johnstone's view of bilateral argument and will be discussed later in the paper: Henry W. Johnstone, Jr., "From Philosophy to Rhetoric and Back," *Rhetoric, Philosophy, and Literature*, pp. 49–66.

[10] Plato, *Euthydemus* 289E, 290A.

[11] Plato, *Euthydemus* 278C,D; 288D,E; 282D.

[12] This view should account for the need to clarify opposing positions in order to isolate a point at issue, as discussed by: Otto A. L. Dieter, "Stasis," *Communication Monographs* [formerly *Speech Monographs*], 17 (August 1950), 346–349 *et passim*.

[13] For a contemporary application of the heuristics of *stasis* and *topoi* see: Richard E. Young, Alton L. Becker, and Kenneth L. Pike, *Rhetoric: Discovery and Change* (New York: Harcourt, Brace & World, Inc., 1970), pp. 92–96.

[14] Johnstone, "From Philosophy to Rhetoric and Back," *Rhetoric, Philosophy and Literature*, pp. 56–61.

COGNITIVE SOURCES OF INFERENTIAL ERROR AND THE CONTRIBUTING INFLUENCE OF INTERACTION CHARACTERISTICS IN DECISION-MAKING GROUPS

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Despite the substantial and impressive volume of scholarship on decision-making in the small group, much remains to be learned about the sources of ineffectiveness. One promising avenue for furthering our understanding of the problem of ineffectiveness is suggested by the efforts of cognitively oriented psychologists who have been investigating processes of inference and social judgment. Their work, I hope to demonstrate, provides some perspectives that may enable us to account more easily than other perspectives do for the apparent inability of many groups to make intelligent or otherwise appropriate choices.

To date, the bulk of inquiry into the factors responsible for ineffectiveness in decision-making groups has concentrated on such influences as member characteristics, interpersonal relationships, leadership practices and styles, properties of messages, and a host of structural and compositional variables (see, for example, reviews by Hoffman, 1965; Shaw, 1981; Gouran and Fisher, in press). As one examines this body of scholarship, he or she almost has the impression that most groups either have fatalistic impulses or that social psychological variables have such force as to overcome any motivation that the members might have to make good decisions. In fact, on the basis of research on group processes, one psychologist has gone so far as to declare that, "Humans could do better without groups" (Buys, 1978, p. 123).

On the other hand, it is difficult to accept the notion that most groups are limited in, or somehow lose, their motivation to exercise sound judgment because the cost of being wrong in many situations can run extremely high. In the case of crisis decision-making especially does it appear unreasonable to presume that decision-makers are not concerned with making the very best judgments that they can. Even in Janis' (1972) familiar work on groupthink, there is evidence to suggest that those responsible for major disasters in foreign policy were nevertheless basing their actions on judgments they deemed to be appropriate in light of the information to which they were exposed. In spite of the significance that Janis attaches to social psychological variables, moreover, when one follows his analysis closely, the most likely explanation for many of the poor decisions reviewed centers on the conjectural deficiencies which the agents responsible displayed in their efforts to determine appropriate courses of action.

Similarly, in other case studies of questionable decision-making, such as Head, Short, and McFarlane's (1978) investigation of the Ford Administration's responses to the Mayaguez and Korean confrontations and Stein and

Tanter's (1980) work on the rationality of Israel's 1967 pre-emptive military strike against Egypt, there can be little doubt that those recommending the actions taken were seriously concerned with making the best possible choices. In still yet as bizarre a case as the conspiracy surrounding the Watergate break-in and cover-up, the principal parties surely did not deliberately pursue a destructive course of action (see Gouran, 1976).

What the previously mentioned cases of decision-making, along with others, appear to have in common is demonstrated weakness on the part of decision-makers to draw the inferences appropriate to many of the issues on which their choices were contingent. This is not to say that other inhibiting factors were inoperative. The point is that investigations of established groups suggest that social psychological influences may not occupy so central a role in contributing to ineffective or otherwise unwarranted decisions as laboratory research may lead one to believe.

The purposes of this essay are to explore some of the ways in which inferential errors can inhibit rational choice and to suggest several possibilities for understanding how communication in groups serves to exacerbate the problem as members attempt to make the judgments to which they believe their information points.

TYPES OF INFERENTIAL ERRORS AND THEIR EFFECTS ON RATIONAL CHOICE

In their recently published book, Nisbett and Ross (1980) identify five general classifications of judgment for which individuals frequently exhibit a marked propensity for inferential error. Although accurate in the inferences they make about many matters, most people, according to these psychologists, at some time or other exhibit serious shortcomings in their ability to draw conclusions warranted by available information in each of the following categories: (1) description, (2) detection of covariation, (3) causal inference, (4) prediction, and (5) theory testing. Later in the essay, I shall be discussing several common denominators that increase the likelihood of inferential errors in all five classifications, but at this point for purposes of clarity, it is necessary to distinguish among them. In reviewing each classification, I have also attempted to show how the species of error mentioned contributes to decisions of dubious merit.

Errors of Description

In the category of descriptive inferential errors, Nisbett and Ross include three types: those involving the classification of data, characterizations of samples, and inferences about populations drawn from samples (pp. 65-89). In the first case, the problem is essentially one of fitting an observation to an inappropriate classificational unit. When the phenomenon one is attempting to classify is of an ambiguous nature, he or she can much more easily misassign it. In the area of communication, for instance, the same nonverbal cues can often represent different psychological states. An individual in a pensive mood might be perceived as being angry because both feelings at times are manifest in similar physical states. As a result, an observer making the wrong inference might unnecessarily avoid the person for fear of further arousing what he or she judges to be anger.

A second type of descriptive error, the erroneous characterization of a sample, involves typifying a collection of people or objects on the basis of some salient feature that is not representative of the sample as a whole. Any teacher who has been confronted by a boisterous, complaining sutdent in the public environment of a classroom, no doubt, has been prone later to make such a statement to his or her colleagues as, "Boy, did *they* give me a rough time today." Even though only one person may have complained in an offensive manner, such experiences can be sufficiently unsettling to create the impression that most, if not all, of the people present have displayed the same degree of hostility.

If we have difficulty classifying observations and characterizing samples, we apparently are no less deficient in our ability to infer population traits from samples. The basic difficulty is that as judges we tend to rely on biased samples in drawing inferences about corresponding population facts. Another contributing factor is the lack of appreciation that many of us have for the importance of sample size. If eight people in a sample of ten believe that something will happen, our tendency is to infer that most people share that belief. We do not grasp the significance of the fact that the percentage in several such randomly selected small samples is subject to considerable variation. These tendencies have been well documented in research by Kahneman and Tversky (1972) and Ross, Amabile, and Steinmetz (1977). If biased and/or insufficient data are at the base of an inference about a population fact, the chances of its being in error are considerably increased.

When the previously mentioned kinds of suspect descriptive inferences find their way into a decision-making discussion, they can have unfortunate consequences in terms of the position a group ultimately endorses. As an example, suppose that the participants in a group were to infer from biased sample data that the rate of welfare abuse is very high when, in fact, that is not so. This judgment conceivably could contribute to the recommendation that immediate steps be taken to halt welfare abuse. Were the policy decision implemented, administrative costs might subsequently turn out to be much greater than the amount recovered or saved.

Detection of Covariation

The second of the classifications in Nisbett and Ross' scheme consists of inferential errors of two sorts: the perception of covariation that does not exist and the failure to perceive covariation that does exist (see pp. 90-112). In the first instance, the problem stems from one's not considering all of the information necessary for determining the nature of the relationship between two or more attributes. Hence, a university president boasts of the number of Guggenheim fellowships as if to suggest a relationship between the frequency of awards and residence at that particular institution. Were these awards out of proportion to those granted to faculty members at comparable institutions over some reasonable period of time, the president's enthusiasm conceivably would have greater warrant.

Unfortunately, people do not always consider that what they ignore can be every bit as important as that which they consult in determining whether the relationships they think they see, in fact, exist.

On the other side of the coin is the failure we sometimes display in detecting covariation when it does exist (Seligman (1970). This deficiency occurs for any number of reasons, but often it is the result of certain belief structures that obscure the connections among events or other kinds of phenomena. A person who believes that management is generally unsympathetic to labor, for example, may see no connection between his or her job performance and the repeated loss of positions. Why should such an individual see this relationship when there is a readily available, convenient, and psychologically more comfortable explanation with which to account for his or her failure?

If the members of a group perceive covariation that does not exist or fail to perceive it when it does exist, poor decision-making could easily result. As an illustration of the former shortcoming, assume that the staff of a psychiatric treatment center finds that over fifty percent of its patients improve within a year of entering. On this basis, the members might conclude that the institution's various therapy programs are as successful as one could reasonably expect and decide, therefore, not to tamper with a good thing. If the fact were that people with psychiatric problems improve at approximately the same rate without treatment, however, both the judgment and the decision could be unjustified.

Similarly, a group failing to detect actual covariation can make inappropriate decisions. Say that a departmental faculty is discussing the problem of declining enrollments. In spite of student evaluations indicating that they are dissatisfied with the quality of instruction they are receiving, the faculty determines that the curriculum's lack of immediate relevance to students is the primary reason for the enrollment decline and subsequently embarks upon a program to revamp it. Due to its novelty, the remedial action might possibly have the desired effect for a time, but at a cost much greater than necessary had the parties involved paid more attention to the fact that as dissatisfaction with instruction was increasing, enrollments were declining. The failure in this kind of siutation might well be attributable to firmly ingrained attitudes toward student evaluations. If one believes that students are poorly equipped to make intelligent assessments of the quality of instruction they receive, then it becomes more difficult for him or her to recognize a connection between their concerns and their behavior.

Causal Inference

Inasmuch as people have difficulty detecting covariation, it makes sense that they are also prone to make erroneous causal inferences (see Nisbett and Ross, pp. 113-138). Beginning with Heider (1958) and more recently reflected in the writing of Jones and Davis (1965), Kelley (1973), and Ross (1977), this matter has been a continuing concern of those working in the area of attribution theory. The goal of these scholars has been to shed light on the conditions affecting our tendencies to attribute behavior to dispositional and situational influences.

From the existing research on causal attribution, it appears as if the misassignment of causality has numerous origins, but it perhaps most frequently occurs as a consequence of false notions concerning the nature of causality. Among the more common of these is the belief that an observed effect has one and only one cause and that the same cause has one and only one kind of effect. The one-to-one relationship between causes and effects indicated by such presumptions leads some of us occasionally to make highly inappropriate inferences. Attributing a person's limited involvement in a communication transaction to a lack of interest when the actual reason could very well be shyness is a good example of the problem. In this case, there is no appreciation of the possibility that one's low level of communicative activity could occur for some reason other than the one identified.

Another manifestation of the kind of thinking I have been describing is that one fails to discern the multiplicity of combined causes that may underlie a phenomenon on which he or she is focusing. The appeal of unitary explanations for complex events and other sorts of experiences, of course, is easy to appreciate because they facilitate the structuring of a comprehensible reality. On the other hand, one can later discover, much to his or her discomfort, that insufficient assessment of the totality of causes for certain phenomena has contributed to a highly distorted reality and to regrettable actions based on that reality.

In the realm of decision-making, erroneous causal inferences can have unfortunate ramifications. A group whose members believe that they have isolated the cause for some problem of concern, for instance, might fashion a solution designed to attack only that cause. The more complicated a problem is, however, the more likely it is to have arisen from a combination of factors. In tailoring the solution to the only acknowledged cause of the problem, the group could easily find itself having solved nothing. In fact, it might even create problems that previously did not exist.

If anecdotal evidence is any guage, the kind of situation mentioned above may have occurred when some universities liberalized their grading policies by including pass-fail options. Inferring that the reason for students' avoidance of challenging courses was a fear of the impact they could have on their grade point averages, pass-fail options were provided as an inducement for more students to begin enrolling in those courses from which they had previously been shying away. Although I know of no direct evidence which either verifies or disconfirms the anticipated effect, day to day contact with a fairly large sample of students over the last thirteen years leads me to suspect that a fear of lowered grade point averages is far from the only, or perhaps even a major, reason for avoidance of challenging courses. In addition, from the number of students who on various occasions have asked to be excused from course requirements because they are "taking it pass-fail," the liberalization of grading policy may even have lowered achievement motivation in some instances. I offer these remarks not as proof in support of an argument but merely as an illustration of how deficiencies in group members' abilities to engage in causal analysis could lead to unwise or otherwise costly decisions.

Faulty causal analysis does not inevitably contribute to poor or ineffective decisions. Sometimes the wrong causal candidate is nevertheless correlated with the actual cause. Misattribution, under these circumstances, would be less serious in its implications for effective decision-making. This possibility, however, is not one on which a decision-maker should be excessively reliant.

Prediction

Although many people pride themselves on their ability to peer into the future, most of us are not especially accurate in making predictive inferences. Two categories of particular interest are what Carnap (1950) calls "predictive inductive inferences" (those involving predictions about one sample based on another sample) and "singular predictive inductive inferences" (or those involving predictions about an individual case on the basis of a sample). Most of us make these kinds of predictions routinely. We anticipate that the next batch of papers we receive, for example, will be of the same quality as the last, or we "know" that the next George Lucas film will be good because all of his others have been. For these kinds of everyday predictions we are often correct in our expectations. For other predictions, however, we can be way off target. Part of the reason for people's having difficulty making correct inferences of the types mentioned, of course, is that they do not have an adequate data base. Either the amount of information is too small, or it is not sufficiently relevant to the object of the inference.

Where the sufficiency and relevance of information are not an issue, the problem of prediction error often arises in conjunction with two other sources of influence: (1) misperception of what constitutes an adequate sample; (2) misunderstanding of correlational data and related regression phenomena (see Nisbett and Ross, pp. 139-166).

When misperception of the adequacy of one's information base provides the explanation for an erroneous predictive inference, there is an excellent chance that the person has unnecessarily relied on irrelevant facts or other inappropriate data (Nisbett and Borgida, 1975). Knowing, for instance, 50 percent of high school graduates go on to college seemingly would result in the normatively appropriate expectation that the chances for any randomly and recently selected high school graduate's going to college are also 50 percent. Yet by adding some irrelevant piece of descriptive information--for example, "He has a dazzling personality"--some individuals would be inclined to alter the odds. A "dazzling personality" somehow makes it appear as if one is better suited for college life and, consequently, more likely to attend.

In other situations, as mentioned above, we make predictive errors out of an ignorance of principles of correlation and regression. If two or more measures are known to be well correlated, a tendency for some people is to assume that one can make highly accurate predictions about an individual's standing on one measure from his or her standing on the other. This basic misperception helps explain why people are perturbed when their expectations are not confirmed. The high school valedictorian who turns out to be an average college student, the former great professional football coach whose college teams make a dismal showing, and the crack salesperson who fails as an executive represent the sorts of breakdown in prediction that the average person has difficulty grasping.

The implicit assumption that we often have made in these sorts of situations is that for attributes which are generally correlated, individuals clustered at a single point on a measure of one are identically clustered on a measure of the other(s). What we do not appreciate is the fact that objects having the same standing on a measure of one attribute are almost always distributed in their standing on other attributes with which the former has some correlation--unless, of course, the correlation(s) are perfect (see Cohen and Cohen, 1975). While it may be true that high school valedictorians, as a whole, do better than average in college, that successful coaches are generally successful in other coaching situations, and that topnotch salespersons often make good executives, then, it does not follow that everyone, or any particular one, of them will. In this connection, one wonders how many highly ranked individuals on some imperfect measure of performance have received undue recognition because of a false presumption that they would have the same, or perhaps a better, ranking on a more reliable measure.

Since so many policy decisions depend on estimates of the outcomes that the alternatives that groups discuss will achieve, deficiencies in the members' predictive abilities can be a definite liability. My own study of the Watergate case (Gouran, 1976) as well as that of Raven and Rubin (1976, pp. 423-433) clearly revealed such deficiencies among those involved in cover-up. These weaknesses, moreover, contributed to underestimates of the interest of the public in the case, the persistence of the press, and the length of time before the scandal would die down. Affecting these erroneous predictions were both insufficient and irrelevant information.

Other groups involved in less heinous matter can nonetheless choose unwisely on the basis of faulty predictive inferences. At my own institution, for example, administrators concerned about the problem of grade inflation encouraged the practice of publishing all instructors' averages. The expectation was that in seeing how they compared with other faculty members, those whose grades were excessively high would begin to make the desired downward adjustments. However, there was not **an available data base** from which to assess the likelihood that the projected outcome would occur. As nearly as I can determine, the only immediate effect of this policy was to provide students with a convenient guide to easy courses and instructors with the least rigorous grading standards. Had the policy continued, it might ironically have had the effect of enlarging the grade inflation problem by shrinking enrollments in demanding courses and expanding them in the less demanding ones.

Theory Testing

The final category of inferential error with which Nisbett and Ross deal falls under the heading of "theory testing" (see pp. 169-192). From the beliefs that individuals form over time, they formulate primitive theories that permit deductions and other inferences about the people and events with which they must contend. These beliefs, once formed, persist and tend to become increasingly resistant to change even in the face of strong disconfirming or contradictory evidence (Ross, Lepper, and Hubbard, 1975). Supportive information is assimilated into one's theoretical frame of reference, whereas non-corroborative data are often forgotten, ignored, or discredited (Snyder and Swann, 1978). Hence, the person who believes, for example, that certain minority groups possess "criminal tendencies" will see as confirmation of that belief nearly any instance of a criminal act perpetrated by some representative of any of the groups to which the belief applies. Moreover, he or she would be inclined to discount statistical information showing that a substantial majority of the groups in question have never been in trouble with the law. In fact, such data are in extreme cases taken as proof in support of existing beliefs. A bigot might argue that such statistics merely show how well "criminally inclined" minorities have learned to avoid getting caught in the offenses they commit.

In reference to decision-making, Janis and Mann (1977, pp. 81-134) have identified two tendencies which, much like those mentioned above, increase the likelihood of ineffective or inappropriate choices. Both individuals and groups, according to these experts, display characteristics of bolstering and defensive avoidance. Whereas bolstering is the mechanism by which a person finds justification for an initially preferred alternative, defensive avoidance refers to the means by which he or she deals with the potentially threatening qualities of contradictory arguments and evidence bearing on the wisdom of that choice.

Many facets of decisional choice entail some sort of theory testing. To the extent that an individual or a group exhibits the qualities of bolstering and defensive avoidance, then, the chances of making sound decisions are correspondingly reduced.

Consider, for example, the fact that many people believe that anyone accused of a crime is probably guilty. Others, for whatever reasons, believe that anyone so accused is probably innocent. In either case, this type of initial bias is likely to have impact on the verdict that the person possessing it would support, should he or she become a member of a jury. Those having these leanings, moreover, would be inclined in a criminal proceeding to see greater merit in the evidence presented by the advocate on the side congruent with their bias.

Davis *et al*. (1978) found precisely this effect in a study of mock juries. In the experiment, they classified jurors as "pro-prosecution," "pro-defense," or "neutral" on the basis of their general beliefs in the probable guilt or innocence of individuals accused of particular crimes. Comparing the three types of jurors' judgments of a defendant in a hypothetical case of rape, these investigators found differences in the proportion of verdicts of guilt that were consistent with the initial biases. Since the evidence on both sides had been carefully matched, the absence of the influence of preliminary bias would theoretically result in comparable percentages of guilty verdicts across all three conditions.

Although Davis *et al*. did not focus on the processes of inference which their mock jurors exhibited, the research is nonetheless suggestive of what can happen in situations in which decision-makers are confronted with evidence that both supports and contradicts their prior beliefs. All other things being equal, those beliefs will persevere. Considering the apparent disproportional conviction rates in trials involving defendants of lower socio-economic status (see Kaplan, 1977), we should be very concerned that they are not attributable to the kind of inferential process decribed. Otherwise, the very foundations of our system of criminal justice could be highly suspect.

COGNITIVE INFLUENCES ON INFERENTIAL ERROR

How is it that well-intentioned people can apparently fall so easily victim to the kinds of errors in judgment revealed in the preceding review? In grappling with this question, Nisbett and Ross (pp. 17-42) point to two important cognitive influences. The first they refer to as "Judgmental Hueristics," or those intuitively sensible rules of thumb on which people rely in making inferences. Second are "Knowledge Structures"--theories and schemas--that affect an observer's interpretation of information and experience. Although I cannot do justice to Nisbett and Ross' extensive treatment of the subject, a brief examination of these concepts and their impact on processes of inference should prove helpful in arriving at an answer to the question posed.

Judgmental Heuristics

Two judgmental strategies that Nisbett and Ross present they call the "availability" and "representativeness" heuristics. When a person pursues an intuitive strategy based on availability criteria, he or she draws on that information which is most readily accessible in his or her memory and experience. If the information that is most accessible is insufficient for making a valid inference, then it obviously follows that the prospects for error are enlarged in proportion to the degree of inadequacy.

As an example of the problem mentioned, were a laborer's only experience with supervisors restricted to two people who have been quite unpleasant, his or her impression of supervisors in general could be badly distorted. That impression, in turn, could contribute to the expectation that a new supervisor to whom the employee has been assigned is going to be equally difficult to get along with. An effort to find out more about the new supervisor might lead to a different impression from the one intact and, hence, alter the worker's expectation in a less certain direction. Unfortunately, in this type of judgmental situation, most of us do not or cannot make such inquiries. Rather, we rely on what we know or, at least, think we know at the moment.

Strategies based on criteria of representativeness, the second of the judgmental heuristics referred to by Nisbett and Ross and others (see, for example, Kahneman and Tversky, 1972), have to do with the manner in which we classify data. As Nisbett and Ross put it, "In making a judgment, people assess the degree to which the salient features of the object [of perception] are representative of, or similar to, the features presumed to be characteristic of the category" (p. 24). The problems that can and do arise in this process are usually traceable to the presumptions we make about categories. As a result of ill-founded presumptions, therefore, people are more apt to make unwarranted inferences about the category to which an object or some other phenomenon belongs.

I recall observing the scrutiny of a dissertation proposal several years ago where a faculty member was raising very serious questions about the methodological soundness of the procedures outlined in the candidate's prospectus. At several points, this candidate observed something like, "I know you are going to tell me the way around this." Despite the faculty member's repeated denial of any knowledge of a way around the problem, the candidate persisted in his expectation that following a period of perceived harassment would come a revelation of the deliberately concealed solution. The inference in this case was apparently the result of some presumption about others' motives for raising difficult questions in this type of context. Since a difficult question was raised, the behavior suggested to the person in question--but apparently to no one else--a categorization that contributed to an erroneous prediction of what was to come. The candidate, however, not only failed to receive the assistance he anticipated but made himself appear rather foolish in the process.

The kind of error just mentioned is perhaps more understandable than those involving judgments for which well established normative standards exist. In other words, even when one has available the means for properly assessing the likelihood of being correct, he or she will occasionally rely on the representativeness heuristic and ignore the more reliable index. Individuals who use a series of successes in a sequence of independent judgments for which known probabilities exist are a case in point. Gamblers and others who seek to defy the odds in keeping a string of successes alive are often guilty--and ultimately victims--of this kind of flawed thinking.

Contributing to the misapplication of availability and representativeness criteria--particularly, the availability heuristic--is the vividness of information and related experiences. Vivid information and experiences, however atypical they may be, are more easily remembered and, consequently, more readily summonable when one is engaged in the process of making an inference. To the extent that such data constitute biased samples, they will increase the likelihood of inferential error.

In judging subordinates' attitudes toward their jobs, for instance, a superior may infer that they are negative as a result of his or her observations of a subordinate who is conspicuously derelict. The fact that others have not been so patently irresponsible, for some people, would have less significance for making an inference about subordinates' attitudes than the one highly noticeable but nevertheless isolated case.

In a study of the effects of the vividness of information on decisions, Thompson, Reyes, and Bower (1979) had juries render verdicts of guilt and innocence in a case involving a drunk driver. Vividness was manipulated in the following way. Half of the jurors read vivid prosecution testimony followed by pallid defence testimony. For the other half of the jurors, the prosecution testimony was pallid and that for the defense vivid. There was no immediate difference between the two groups in their assessments of guilt and innocence; however, a second vote taken the next day revealed shifts toward guilty verdicts among those exposed to the vivid prosecution testimony and shifts toward judgments of innocence among those exposed to vivid defense testimony. This shifting occurred only for a defendant who had been previously portrayed as having good character.

Nevertheless, the findings do demonstrate that information which stands out by virtue of its vivid qualities may carry greater weight in shaping our inferences than does other information of equally probative value but having less attractional potential.

Knowledge Structures

In addition to judgmental heuristics, individuals utilize a variety of so-called knowledge structures in drawing inferences. In their classificational system, Nisbett and Ross divide knowledge structures into theories and schemas. Theories held by individuals resemble the formal ones of scientists but more often than not have a less factual foundation and less rigorous logical structure. The beliefs on which lay theories depend are also typically overgeneralized. As a result, the inferences to which they contribute are frequently suspect as to their probable accuracy.

Many of the deductive inferences made in day to day communication transactions reflect the influence of questionable belief systems to which people consciously and unconsciously refer in judging objects of perception. Such observations as, "You can't trust what he says; after all, he's a politician," "Since I just washed the car, it is probably going to rain," and "If you know so much, why aren't you rich?", are indicative of underlying general beliefs about the relationships among the categories to which the specific assertions apply. That is, "All politicians are untrustworthy," "Every time one washes the car it rains," and "Genuninely knowledgeable people are rich."

Not always do we rely on theories in making inferences about people, events, and other sorts of phenomena. In many situations, a person may base an inference on some schema that he or she has constructed. As an illustration of this process, one of my superiors once explained to me why textbooks do not count as scholarship but rather as evidence of teaching effectiveness. In writing a textbook, he explained, one develops a set of lecture outlines and gradually fleshes them out with repeated teaching of a course. After several semesters, the textbook is done. Not having written a book in that fashion, I personally found the explanation difficult to accept. The point of the example, however, is that the individual in question had constructed a script on which he drew in inferring the specific process by which any of his colleagues had gone about the task of writing a textbook. What in some respects is a perfectly reasonable description of how a person could write a textbook was apparently confused with a reality that remained to be demonstrated. So it is that schemas of the kind portrayed can substitute for the actual knowledge that might provide a more solid basis for judgment.

Of course, we have no way of knowing how often erroneous inferences based on schemas whose relationship to the knowledge for which they substitute is obscure contribute to ineffective decisions. The same can be said for theories built upon questionable systems of beliefs. Given the frequency with which such inferences are made in ordinary social interaction, however, it seems safe to assume that most decision-making discussions are not entirely free of such influences. And even if the actual occurrences are highly infrequent, they may still be sufficiently damaging in critical situations to be a source of concern.

As Janis (1972, pp. 50-74) in his study of the decision to allow United Nations armed forces to cross the 38th parallel during the Korean War showed, stereotypes (another form of schema) of the Russian and Red Chinese governments rather than hard evidence served as the basis for President Truman and his advisors' inferring that there would be no serious repercussions. History tells us, however, that the action drew the Chinese into the fighting, escalated the conflict, and may have unnecessarily prolonged the hostilities. Even in the face of compelling direct evidence from the Chinese concerning what their response would be, the decision-makers placed much greater credence in inferences deriving from schemas that characterized one enemy as insufficiently threatened to respond and the other as incapable of acting unilaterally.

EXACERBATING INFLUENCES OF GROUP PROCESS

Most of the research that has been conducted on sources of inferential misjudgments has focused on the individual. The extensions drawn from this body of scholarship and applied to group situations throughout this essay notwithstanding, the precise contribution of group interaction to the rate and magnitude of erroneous social judgments remains to be determined. What happens to the individual's capacity for making unwarranted inferences in the context of group decision-making? Are errors reduced by some averaging mechanism that limits the impact of extremes in judgment on final decisions? Or are these error tendencies compounded by some additive or multiplicative function that stems from the processes of communication and interpersonal influence? Unfortunately, what little evidence bears on these questions is neither directly relevant nor unequivocal.

For certain kinds of judgmental tasks, it appears as if groups may decrease the probability of collective inferential error. Extremes in the estimation of properties of objects tend to be reduced in discussions of some types of inferential problems, with the average of a set of individual estimates reflecting a value closer to reality than any single judgment (see Shaw, 1981, pp. 57-60).

In addition, as Steiner (1972) has indicated, in some task environments--primarily those involving tasks that can be performed successfully by an individual acting alone--expanding the number of participants increases the probability that at least one of them will have the requisite skills and knowledge for solving a problem. We can extend this principle to include populations having a given proportion of individuals with the knowledge and skills necessary for making correct or normatively appropriate social judgments.

On the other hand, many of the previously cited case studies of group decision-making would appear to indicate that groups are not demonstrably superior to individuals in making inferences from the information their members consult. In fact, in some instances they may be much worse. The corrective influences that ostensibly are operative in problem-solving and decision-making groups are not always in evidence. One reason, perhaps, is the apparent ease with which some groups achieve unanimity (Hoffman, 1965). Unanimity, in turn, can foster the illusion of correctness, as Thomas and Fink (1961) discovered among some groups whose solutions to a problem in reasoning were incorrect. In spite of this revelation, the members of these groups remained satisfied with their judgments.

Because of the inconsistencies in research dealing with the effects of group process on inferential judgments and the limited relevance of much of it to the typical decisional context, it is difficult for one to discern the most probable pattern of relationship. In spite of this difficulty, for those situations in which groups appear to be less capable than individuals, we can consider several possibilities for characteristics of interaction having an exacerbating influence on members' propensities for inferential error. Three that seem likely are (1) the creation of bias through the selective introduction of atypical information, (2) excessive specialization that leaves members more susceptible to erroneous inferences of the specialist, and (3) the unintentional construction of schemas that were not previously a part of the judgmental frame of reference of any group member. An examination of each of these possibilities will help to clarify the senses in which a group's communicative characteristics may intensify the problem of misjudgment.[1]

Selective Introduction of Atypical Information

No doubt, nearly everyone has participated in at least one conversation in which some person brings up an unusual but nonetheless actual incident. The narrative frequently reminds others involved of similar or even more unusual experiences. With each successive report, the sample of isolated incidents can become more and more biased. Students talking about their instructors, for instance, tend to recall amusing or irritating events. As each vies to relate his or her story, the reports become increasingly selective. At the same time, the total amount of information being introduced expands. The paradoxical effect of this sort of sequential process is that as sample size increases, the data become less representative. One can therefore leave the kind of conversation mentioned with quite misleading impressions of the larger sample or population to which the individual accounts of experience refer.

The same sort of process can arise in the more formal context of group decision-making. Consider, for example, a group in management that is trying to determine what to do about the problem of absenteeism. At one point, a member of the group indicates that he or she "personally knows of one individual who called in ill but was seen downtown shopping the same day." This leads another to recall that some other employee "used to go fishing on the days he failed to show up for work." With the aid of these kinds of recollections, before too long, the group might begin to infer that the majority--or at least a substantial percentage--of cases of absenteeism do not have legitimate reasons and therefore decide to take a hard-line approach. The fact of the matter could be, however, that only a small number compared to the total number of cases of absenteeism represent these types of abuses. Pursuing a hard line, under such circumstances, might unnecessarily arouse hostility among responsible employees and drive down their morale or, perhaps, even their efficiency.

Excessive Specialization

Each semester that I teach a course in group decision-making at the undergraduate level, some students will almost inevitably ask if they should divide up the topics which their groups are to discuss. When I indicate that I do not think that this is actually a good idea, they usually respond that they do not have sufficient time for everyone to research the subject completely. Although the desired division of labor is understandable, I discourage it it because being familiar with only one aspect of a complex issue leaves the individual group member more vulnerable to misinterpretations and misrepresentations of information by the "specialists" in areas other than his or her own.

In Steiner's (1972) terminology, most decision-making tasks are not "additive," that is, structured in such a way that each member's contribution can be summed with those of others to determine total output. For genuinely additive tasks, division of labor is probably desirable, since it increases the possibilities for overall productivity and decreases the time necessary to complete the work. In decision-making, however, the quality of judgment or solutions to problems are the outcomes of concern. Members of groups who are reliant on others' characterizations of information vital to their choices are less able to assess its significance and value in selecting among the alternatives they are considering. By permitting excessive specialization, then, a group can unintentionally enlarge the prospects of unwarranted individual inferences' going unchallenged and thereby uncorrected. If the group happens to make a sound decision under such circumstances, it will more likely have been by accident than by design, which appears to have been precisely what occurred in the decision leading to the 1967 Israeli-Egyptian conflict (see Stein and Tanter, 1980). The action did not result in as serious consequences for the stability of the Middle East as it might have, but apparently neither was it a product of very carefully drawn inferences about the risks associated with a preemptive attack.

It does not require a good deal of imagination to see how the problem of inferential error is abetted by excessive specialization. If the proportion of people in a relevant population capable of making correct inferences from a particular body of information were, say, .20, then in a group of five people drawn from the population, the odds that the one person specializing in that information would draw accurate inferences are .20. On the other hand, if all five members of the sample were equally well versed, the probability that one of them would be able to make accurate inferences would be approximately .67 (see Taylor, 1954; Solomon and Lorge, 1955).[2] Specialization can counteract the natural advantage that groups theoretically have over individuals in making correct or, at least, justifiable inferences.

Creation of New Schemas

Drawing on the work of Bales (1970), Ernest Bormann (1973) introduced many of us in communication to the concept of "fantasy themes." The process by which fantasy themes come into existence has important potential implications for understanding the exacerbating influence of group interaction on inferential error. According to Bormann, fantasy themes surface in discussions when one member of a group focuses attention on something removed from the here and now and others begin to contribute to the imagined or projected event. As collective involvement and participation increases, the members of the group come to share a perception of some situation that does not exist at the moment for that group. The schema once constructed, however, exists in the minds of the participants and may serve as the basis for subsequent inferences that any or all of them make.

As an illustration of this process and its possible consequences, take the case of a group of employees who are upset with the way in which their supervisor has been treating them. The members are trying to decide whether they should approach the supervisor's superior and present their concerns. Critical to this decision could well be an assessment of the supervisor's probable response to being reported. Thinking about this issue, one participant observes, "I bet he'll blow his stack." Extending the theme, another retorts, "Yah, I can see him now, running all over the place trying to find out who ratted on him." A third now joins in and conjectures that, "We could be in real trouble. He'll want to take an ax to whoever squealed." As the imagined scenario continues to develop along these lines, the members of this hypothetical group could be gradually steering themselves away from the only alternative that has much chance of resulting in a redress of grievances. On the other hand, the action would not necessarily be unwarranted. In fact, to the extent that the schema happens to be accurate, the gains to be realized from reporting the supervisor might not be justified by the probable costs.

The problem for the group in the example above is that the members have made predictive inferences about the likelihood of response to a given action on the basis of a schema that they have collectively invented. Such schemas can be useful when they have some empirical basis and are grounded in reality (see Hogarth, 1980, pp. 165-174). When they are pure inventions, however, the chances that the inferences to which they lead will be correct are appreciably reduced.

Porter (1976) found evidence of several kinds of fantasy themes concerning the news media in her analysis of the Watergate transcripts. Although she did not relate these specifically to the problem of inferential error, from previously cited research (Gouran, 1976; Raven and Rubin, 1976), we know that the conspirators seriously underestimated the determination of the press to get to the bottom of the case. What supposedly would blow over in a few weeks persisted until eventually continuation of the cover-up became a virtual impossibility. By relying on their construction of an image of the press and other elements of society, the president and his associates made false estimates of their ability to contain the situation and thereby pursued a course of action far more serious in its ultimate consequences than a decision to tell the truth at the outset would probably have been.

Because fantasy themes so easily enter into the interaction of their members, decision-making groups may be even more vulnerable in some respects to this source of influence than they are to the others considered. In addition to the ease with which they occur, the development of fantasy themes often represents a form of tension release that can facilitate the distortion of reality. These kinds of exercises in imagination enable decision-makers to see themselves and, hence, their ideas in the best possible light. Similarly, they project enemies and other objects of perception offensive to the group in an unfavorable light. In both cases, the potential effect is to weaken the bases for making intelligent inferences.

IMPLICATIONS AND CONCLUSIONS

Although the preceding discussion has been somewhat speculative, the possibilities raised seem worthy of further exploration. Reviewing existing scholarship on processes of human judgment, Hogarth (1980) has offered the following characterisation:

> The research done to date has only scratched the surface of these issues /that is, a knowledge of how thought processes function and their influences on behavior/, and when I say 'scratch the surface', two meanings can be implied: first, existing research has, almost necessarily, dealt with surface pehnomena. That is, inferences have been made about the human mind by examining behavior (i.e. the end result of judgement) under different circumstances; and second, the range of conditions under which human judgment has been systematically examined remains small. Nonetheless, the findings revealed to date do constitute a fairly coherent view of human mental capabilities. (p. 1979)

By focusing on the limited information processing abilities of group members and the potentially exacerbating influences of interaction on them, we may begin to move toward a much greater understanding of the crucial sources of ineffectiveness in decision-making groups and thereby to deepen the "scratch" to which Hogarth has alluded. If the suspicions raised are confirmed, moreover, we shall have discovered a much stronger basis for corrective action than presently exists.

The preponderance of research on small groups has diagnostic value at best. In another essay (Gouran, in press), I have developed this position and suggested that future inquiries should begin to come to grips with the problem of testing the effectiveness of counteractive communication strategies--that is, behaviors intentionally designed to re-direct movement from a group's goal-path in the desired direction. The need for this kind of focus is further suggested in Stein and Tanter's (1980) observation that, "Operating with shaken expectations and under stress, decisionmakers, individually or collectively, will simplify complexity and reduce uncertainty through cognitive shortcuts" (p. 76).

If inferential shortcomings prove to be as great a source of ineffectiveness as they appear to be in some situations, the task of identifying appropriate counteractive influences on poor decision-making behavior could be greatly facilitated. From the study of logic, probability theory, and statistics, we have readily available principles of reasoning on which to draw. With such an extensive and rich foundation at our disposal, devising strategies for the implementation of these principles would appear to be a comparatively simple task--or at least one that is manageable.

There is good reason for believing that the quality of decision-making in groups can be substantially improved. While there are probably numerous ways in which improvement can be achieved, further investigation of the role of inferential weaknesses strikes me as a particularly good one. This is not to suggest that inferential errors are always at the base of a group's inability to make a good decision. However, in our desire to understand the dynamics of group behavior, we may have gone too far in ignoring factors that have more immediate relevance to and impact on the decisions that groups reach than the sorts of social variables on which scholars historically have concentrated. I hope that this essay has served to make that possibility clear and to provide some insights into how we might more profitably pursue the study of group decision-making and, ultimately, strengthen the capabilities of those who engage in it.

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NOTES

1. Even if groups are less prone to inferential error than individuals, it could still be that the rate of error is much higher than necessary due to the presence of the kinds of characteristics to be discussed.

2. This value is computed by the formula $1 - Q^n$, where Q represents the proportion of people in a population not having the mentioned skills and n is the number of people drawn from the population. In this case the two values are .80 and 5, respectively.

REFERENCES

BALES, R. F. *Personality and interpersonal behavior*. New York: Holt, Rinehart and Winston, 1970.

BORMANN, E. G. The Eagleton affair: A fantasy theme analysis. *Quarterly Journal of Speech*, 1973, *59*, 143-159.

BUYS, C. J. Humans would do better without groups. *Personality and Social Psychology Bulletin*, 1978, *4*, 123-125.

CARNAP, R. *Logical foundations of probability*. Chicago: University of Chicago Press, 1950.

COHEN, J., & COHEN, P. *Applied multiple regression/correlation analysis for the behavioral sciences*. Hillsdale, New Jersey: Lawrence Erlbaum Associates, 1975.

DAVIS, J. H., SPITZER, C. E., NAGAO, D. H., & STASSER, G. Bias in social decisions by individuals and groups: An example from mock juries. In H. Brandstätter, J. H. Davis, & H. Schuler (Eds.), *Dynamics of group decisions*. Beverly Hills, California: Sage, 1978.

GOURAN, D. S. The Watergate cover-up: Its dynamics and its implications. *Communication Monographs*, 1976, *43*, 176-186.

GOURAN, D. S. Unanswered questions in research on communication in the small group: A challenge for the 1980s. *Communication*, in press.

GOURAN, D. S., & FISHER, B. A. The functions of communication in the formation, maintenance, and performance of small groups. In C. C. Arnold and J. W. Bowers (Eds.), *Handbook of rhetorical and communication* theory. Boston: Allyn and Bacon, in press.

HEAD, R. G., SHORT, F. W., & McFARLANE, R. C. *Crisis resolution: Presidential decision making in the Mayaguez and Korean confrontations*. Boulder, Colorado: Westview Press, 1978.

HEIDER, F. *The psychology of interpersonal relations*. New York: Wiley, 1958.

HOGARTH, R. *Judgement and choice*. New York: Wiley, 1980.

HOFFMAN, L. R. Group problem solving. In L. Berkowitz (Ed.), *Advances in experimental social psychology* (Vol. 2). New York: Academic Press, 1965.

JANIS, I. L. *Victims of groupthink*. Boston: Houghton Mifflin, 1972.

JANIS, I. L., & MANN, L. *Decision making*. New York: Free Press, 1977.

JONES, E. E., & DAVIS, K. E. From acts to dispositions: The attribution process in person perception. In L. Berkowitz (Ed.), *Advances in* *experimental social psychology* (Vol. 2). New York: Academic Press, 1965.

KAHNEMAN, D., & TVERSKY, A. Subjective probability: A judgment of representativeness. *Cognitive Psychology*, 1972, *3*, 430-454.

KAPLAN, M. F. Judgment by juries. In M. F. Kaplan & S. Schwartz (Eds.), *Human judgment and decisional processes in applied settings*. New York: Academic Press, 1977.

KELLEY, H. H. The processes of causal attribution. *American Psychologist*, 1973, *28*, 107-128.

LORGE, I., & SOLOMON, H. Two models of group behavior in the solution of eureka-type problems. *Psychometrika*, 1955, *20*, 139-148.

NISBETT, R. E., & BORGIDA, E. Attribution and the psychology of prediction. *Journal of Personality and Social Psychology*, 1975, *32*, 932-943.

NISBETT, R. E., & ROSS, L. *Human inference: Strategies and shortcomings of social judgment*. Englewood Cliffs, New Jersey: Prentice Hall, 1980.

PORTER, L. W. The White House transcripts: Group fantasy events concerning the mass media. *Central States Speech Journal*, 1976, *27*, 272-279.

RAVEN, B., & RUBIN, J. Z. *Social psychology: People in groups*. New York: Wiley, 1976.

ROSS, L. The intuitve psychologist and his shortcomings. In L. Berkowitz (Ed.), *Advances in experimental social psychology* (Vol. 10). New York: Academic Press, 1977.

ROSS, L., AMABILE, T. M., & STEINMETZ, J. L. Social roles, social controls, and biases in social-perception processes. *Journal of Personality and Social Psychology*, 1977, *35*, 485-494.

ROSS, L., LEPPER, M. R., & HUBBARD, M. Perseverence in self perception and social perception: Biased attributional processes in the debriefing paradigm. *Journal of Personality and Social Psychology*, 1975, *32*, 880-892.

SELIGMAN, M. E. P. On the generality of the laws of learning. *Psychological Review*, 1970, *77*, 406-418.

SHAW, M. E. *Group dynamics: The psychology of small group behavior* (3rd ed.). New York: McGraw-Hill, 1981.

SNYDER, M., & SWANN, W. B. Behavioral confirmation in social interaction: From social perception to social reality. *Journal of Experimental Social Psychology*, 1978, *14*, 148-162.

Stein, J. C., & Tanter, R. *Rational decision making: Israel's security* choices, 1967. Columbus, Ohio: Ohio State University Press, 1980.

STEINER, I. D. Group process and productivity. New York: Academic Press, 1972.

TAYLOR, D. W. Problem solving by groups. In Proceedings of XIV international congress of psychology, 1954. Amsterdam: North Holland Publ., 1954.

THOMAS, E. J., & FINK, C. F. Models of group problem solving. Journal of Abnormal and Social Psychology, 1961, 68, 53-63.

THOMPSON, W. C., REYES, R. M., & BOWER, G. H. Delayed effects of availability on judgment. Unpublished manuscript. Stanford University, 1979.

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ARGUMENT AS A METAPHOR FOR NEGOTIATING SOCIAL RELATIONSHIPS

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"Relationship" has been for decades a favorite focus of communication scholars. We have characterized relationship as a context within which communication occurs (e.g., communication in a friendship or marital situation), a dimension of communication (as contrasted with a content dimension), or an outcome of communication (e.g., a feeling of cohesiveness or attraction which results from interaction). Only very recently has relationship been considered virtually synonymous with communication to the extent that communicating has been termed "the fourth R" (relating) in a basic skills education. Even so, as Van Maanen and Bennis (in Bennis et al. 1979) have asserted, ". . .the scientific study of interpersonal relations still lags behind other, less crucial areas of social research" (p. 9).

The study of human relationships has been a popular subject in other areas of the social sciences, too. Theoretical approaches to understanding social relationships abound in the literature. Social exchange has been applied specifically to interpersonal relationships (see, e.g., Kelley & Thibaut, 1978; and Kelley, 1979) in a cost-outcome economic model. Social psychologists Altman and Taylor (1973) devised their theory of social penetration, with a heavy emphasis on self disclosure, as a way of viewing how humans come together in the formation and maintenance of social relationships. Symbolic interaction, the warhorse of interpersonal behavior in sociology, has been applied (see, e.g., McCall et al., 1970; Collins & Collins, 1973; and Bennis et al., 1979) to the phenomenon of relationship. Duck (1973, 1977) has adapted Kelly's (1955) notion of personal constructs to a very psychologically oriented model of understanding one's relationship with another. He calls his approach to "personal relationships" not constructivism but "filtering theory."

Communication scholars, though sometimes purporting to be advocating theoretical development, have generally confined their efforts to empirical approaches to relational communication. The theoretical statements are generally in the form of empirical generalizations rather than lawlike principles. Although a number of empirical approaches in communication exist, perhaps two are most noteworthy: uncertainty reducation (see Berger & Calabrese, 1975) and relational control modes (see Parks & Dindia-Webb, 1979). Research in uncertainty reduction has emphasized the formation stage of relationships and has viewed interaction as a quest for information about the other. Research into relational control modes has focused on transacts between individuals' behaviors in order to draw conclusions about symmetrical and complementary relationships, a statement of a relationship based on equality or difference between communicating individuals.

Although conceptual/empirical approaches and interested scholars are abundant, our understanding of how and why people create, maintain, or dissolve relationships with one another is, in a word, sparse. This conclusion is hardly arguable, but it does not necessarily suggest a lack of scholarly effort or rigor in pursuing communication as relationship. I shall take the stance that our problems stem not from insufficient or substandard scholarship but, rather, from a lack of scholarly imagination. Stated simply, we don't want for answers; we lack questions. In the words of Weick (1974), our "propositions would improve if richer metaphors were used" (p. 247). The purpose of the present paper is to advocate one metaphor which might be used fruitfully to provide a richer understanding of communicating as a process of relating. Thie metaphor, based on argumentation within a negotiation context, leads to the development and identification of new concepts within a potentially more finely textured explanation and description of interpersonal communication.

SOME INITIAL ASSUMPTIONS

Before introducing the metaphor, it is necessary to begin with some common understanding of the nature of communication. Although the view of communication as relationship may be applicable to a variety of levels of communication, it is perhaps most appropriate to the interpersonal/group setting. Hence, the thrust of the present discussion centers on the prototype of two or more people engaged in face-to-face interaction with conversation/talk, verbal and nonverbal, as the primary but certainly not sole means of interaction.

Focus on Relationship

There are at least two ways to approach any social phenomenon such as communication: individualistically or holistically (see Fisher, 1978, pp. 72-73). Any social concept can be understood as composed of relatively independent entities which, at the point of coincidence, create the existence of the social phenomenon. That same social concept may also be understood as an entity in itself which comprises and serves to define the subentities. Individualistically, then, the social phenomenon is an overlap or area of commonality determined by the individual entities; holistically the phenomenon is created by the entities acting in concert and is a new entity different from the individual components taken together.

Figure 1 illustrates the individualistic view of communication. As A and B communicate, they discover some common element which serves to unite them. That common element, the shaded overlap of the two circles, is the point of coincidence. We say that A and B are attracted to each other if they share (i.e., individually possess attitudes or values or cultures or meanings). As interaction continues, the area of overlap increases or decreases in relative

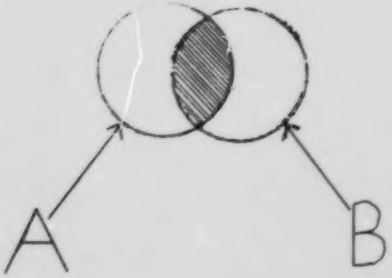

Figure 1. Communication viewed individualistically

size. The more overlap or coincidence or sharing, the greater their mutual understandings. Thus misunderstanding, conversely, is conceptualized as less overlap or coincidence of individual understandings.

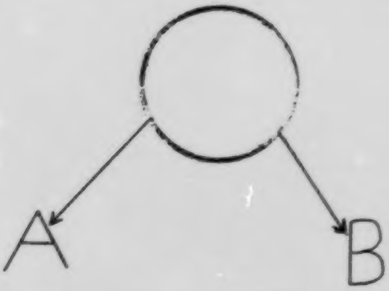

Figure 2. Communication viewed holistically

Figure 2 illustrates the process of communication as understood holistically. As A and B communicate, they create a social system, a new entity, to which they belong but whose existence is somewhat independent of their existence as individuals. Furthermore, this created entity retrospectively serves to define the individualities of A and B. Weick (1977) calls this creation the process of "enactment" brought about as people act toward one another and toward their informational environment. Weick goes on to say, "Raw talk is the data on which subsequent sensemaking operates. The talk -- the saying, the soliloquizing -- is what is meant by the activity of enactment" (p. 280). The phenomenal social entity enacted through talk or conversation is, of course, the relationship. And people tend to define and even change themselves as a consequence of their interpersonal relationships.

The metaphor to be discussed requires the assumption of holism. Consequently the focus is on the relationship enacted by participants through communication, primarily talk. Although both individualism and holism are viable and valuable perspectives, the preference is for holism -- understanding the relationship and, therefore, the individuals. The alternative, individualism, has clearly been the most popular approach in past research/theorizing and has prompted Suttles (in McCall et al., 1970) to remark, "On the whole, then, we know little about the content of friendship except that it occurs among people who are 'relatively similar.' In between its beginning and end there is a story that badly needs to be told" (p. 129). The conceptual shift from individualism thus leads to a shift from understanding a relationship as a consequence of individual psychologies to understanding a relationship as synonymous with the enactment process which transpires in between the beginning and end of the relationship. This shift leads directly to the second initial assumption.

Centrality of Interaction

A relationship is often difficult to grasp for one new to holistic thinking in communication. It has no material existence; it is not tangible or thinglike as are the semi-enduring attributes of an individual's psychological states (e.g., attitudes, cognitions, beliefs, perceptions). Rather, a relationship comprises a series of actions or events which are connected only through time-relevant concepts. Emphasizing interaction in the relationship does not downgrade the relevance of the individual to a relationship, but it does treat the individual as a participant who, first and foremost, acts. The actor is not treated merely as an oriented repository of filtering devices for informational stimuli but as an active creator of the relationship.

Arensberg, writing in the introduction of Collins and Collins (1973), makes point clear in discussing the interactional orientation of some anthropologists: "Interaction theory asserts the centrality and indispensability for the human sciences of the systematic observation of interpersonal behaviors. It enlists ubiquitous social and communicative behaviors, easily watched and experienced sometimes but always hard to scrutinize and systematize, in building an inductive understanding of cultural and social data wherever found. . ." (p. 10). He goes on to say that this focus on interaction does not degrade the worth of the individual but does deemphasize psychologically based explanations: "It abandons, even for studying human beings, not the empathy of sharers of the roundness and fullness of lives and persons, but the anthropomorphism of inferred meanings and the ethnocentrisms of received definitions" (p. 11).

More importantly, perhaps, an understanding which deemphasizes ongoing behaviors in the relationship may be missing the most crucial element of that relationship. Honey (1976), for example, argues that "behaviour is critical in human relationships precisely because it is the bit of us that is readily evident to other people" (p. 9). He ridicules other approaches which "assume that it is necessary to understand underlying attitudes because they are the stuff of which be-

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haviour is made" in favor of his "ruthlessly behavioural" approach called "interaction skills" because "it is behaviour itself that matters in face to face interaction and. . .much can be done to modify and extent it irrespective of underlying attitudes" (p. 12).

In other words, the interactive behaviors of the individuals are the central focus of an understanding of the social relationship. Inferences about the relationship made from a knowledge of individual actors will miss crucial defining features of the relationship which are discoverable only within the interaction itself. According to Warriner (1970), "To argue, as many would, that the propositions concerning the society must be based upon and refer ultimately to the propositions about the individual actors. . .is to ignore the fact that interaction involves new kinds of processes not found in individual psychology no matter how we conceive of or study the individual" (p. 158). One of these "new kinds of processes is the time-relevant phenomenon of patterning.

Patterning of Interaction

To remove the study of communication from conceptually material entities to event-data destroys for some of us its "reality." Actions and interactions are transient, fleeting, and possess only an ethereal existence. We have been trained since adolescence to think in terms of physical realities. After all, seeing is believing; actions have reactions; if Thomas could feel the wounds, he could believe in the resurrection. Events, however, have no physical reality; they exist only in time. Nevertheless, events are not always random but occur in recognizable sequences which are interpretable as groups of events, i.e., patterns.

Hinde (1979) baldly states, "A relationship involves a sequence of interactions which is patterned in time. Patterning is used here to refer to their absolute and relative frequencies, when they occur with respect to each other, and how they affect each other. . . . Relationships thus have properties that depend on the patterning of the interaction, and are not present in the interactions themselves" (p. 20). Although Hinde uses the term "interactions" to refer to actions performed by individuals, a clearer interpretation of the term would emphasize the prefix "inter-". As individuals perform actions, they tend to occur and recur in sequences which reveal a new property of the relationship, a property which is created as a direct consequence of the connectedness between actions. The behaviors of the actors are thus less revealing of the relationship than the relational properties created by connecting the actions in order to form recognizable patterns. Hence, the search for understanding is the search to discover characteristic patterns of actions -- _inter_actions.

That communicative behaviors occur in a nonrandom fashion is a matter of little dispute. Each action, together with other actions, tends to limit the possible actions which occur later in the sequence. To ask a question, for example, is to limit the viable possibilities of the occurrence of the next event even in a two-step sequence. We expect the next event to be an answer (even though a functional or pragmatic answer may be in the syntactical form of a question in contemporary conversation). Firth (1964, p. 69) refers to this information-theoretic phenomenon as "contextual elimination." Watzlawick et al. (1967, pp. 131-132) referred to it as the "principle of limitation." Whatever its name, this phenomenon results in the enactment of recognizable patterns which tend to define the relationship through constrained future events. Any event which occurs "out of sequence" is viewed as a "surprise" and probably potends a change in the relationship (see, e.g., McCall et al., 1970, pp. 151-153).

Goal-Directed Interaction

One of the characteristic functions revealed in interaction patterns is goal-directedness. But this function is a property of the interaction itself and should not be confused with the motivated objectives of the individual actors. Certainly an actor will engage in many social relationships with idiosyncratic goals or objectives in mind. And these individualistic goals may certainly affect the interaction and thus be important in their own right. But interaction itself, the sequential patterning of interconnected actions, also possesses the property of being goal-directed. And it is the interactional property of goal-directedness which serves as the final initial assumption of communication.

Hinde (1979) explains: "The minimum requirement for behaviour to be regarded as goal-directed is a feedback loop capable of assessing the discrepancy between the present situation and the goal situation, and of initiating appropriate corrections to the current behaviour" (p. 25). Because relationships are enacted by social actors in an ongoing pattern, the interactional properties of the relationship are in a constant state of becoming. Moreover, the relationship is not accidentally or randomly development but is typically moving through successive stages (see Knapp, 1978) of relatively continual change. When change occurs, interaction reflects an assessment of the present with some projected future and corresponding corrections or modifications in present behavior. Even when change does not occur, the reenactment of routines is necessary to maintain stability.

The crux of goal-directed interaction, then, is an expansion of the physical present in both directions -- toward the future and toward the past or what Kolaja (1969) called "layering" the future or past on the present. In this way the present functions in two ways: as a container of the past and as a projection (of no change) into the future. The projective function allows for self-regulation and self-correction so that present interaction changes or stabilizes to coincide with some anticipated future goal state. This is not to say, of course, that goals or anticipated futures remain constant, nor that all self-regulation is successful in meeting goals. Rather, it suggests the capacity of interaction to reflect this property within its patterned structure.

These, then, are the initial conceptual assumptions regarding the nature of human communication, particularly interpersonal/group communication in a face-to-face setting: a focus on the relationship, the centrality of behaviors, patterning of interaction, and goal-directed interaction. These assumptions undergird the understanding of communication within the metaphor of negotiation and argument.

THE METAPHOR

Negotiation is a term often used to discuss interpersonal communication of one form or another. Writers of basic textbooks (e.g., Patton & Giffin, 1981, p. 78; Villard & Whipple, 1970, p. 126) use the term to discuss relational development. The term also appears in conceptual treatises (e.g., McCall et al., 1970, p. 97) and is often applied to the social creation of meanings (e.g., Crable, 1981, pp. 59-61) or realities (e.g., Bennis et al., 1979, p. 33). Unfortunately little more than the term is used, and it typically means little more than the give-and-take compromises of individuals who represent multiple meanings or idiosyncratic differences in communication. Rarely, if ever, is the negotiation metaphor used to inform the phenomenon of communication. The purpose of the present paper is to allow the metaphor free rein in guiding thinking about communication/relationship.

Rationality

A central characteristic of the negotiation metaphor is a rational structure. Rationality, used here, does not refer to an individual's actions guided by the intellect but, rather, suggests deriving meaning and interpretations from the form or patterns which is discernible in the interactions. Rationality implies, as well, the presence of reasons or premises underlying the relational definition. Of course, some relationships develop their own idiosyncratic definitions and thus rationality, but many also correspond to a form typical of or common to relationships of a certain type.

It is not unreasonable to expect a taxonomy of relationships to be developed through a research program directed toward systematic observation of interaction and representing a variety of different relationships. One empirical approach might be to derive a series of "ideal types" or archetypical patterns of interaction associated with, for example, acquaintances, lovers, work partners, families, or friendships. Perhaps a system of relationshiops would be based on another framework such as system-environment interchange (see,e.g., Ellis et al., 1978) or relational functions (e.g., helping, informing, trusting). The issue is simply this. The metaphor based on negotiation and argumentation emphasizes the characteristic property of rationality which is discernible in the form, structure, or pattern of the interaction which binds individuals together within a relationship.

Competition and Cooperation

The first of what Kadley (1979) calls the "essential elements of the personal relationship" is "interdependence in the consequences of specific behaviors, with both commonality and conflict of interest" (p. 3). Kelley uses the term "interdependence" as an individualistic rather than a holistic property, but he does stress the unique feature of negotiation: a unique blend of commonality and conflict, cooperation and competition. In fact, the very essence of negotiation is the diversity of individual interests, often antagonistic toward one another, represented in essentially a cooperative venture to achieve a common outcome. The result is often an adversary relationship in which the adversaries serve as the final arbiter of the outcome.

Years ago, when I was directing an intercollegiate forensics program, we would facetiously discuss what-iff possibilities of debate tournament formats. One of those possibilities was a debate held without a judge in which the debaters would be required to come to a decision on the outcome. Given such a situation, the adversary relationship would require a cooperative dimension as well. Even though tradition has taught us to think of debate and negotiation as a win-lose situation in which compromise (i.e., everyone loses something) is the principal element, the greater possibility is that diversity and commonality achieve equal footing. Negotiation is not just labor-management disputes or trade-offs with antagonists; it is also a seeking after a common agreement or solution and creating something that did not and could not have existed at the outset (i.e., when the significance of diversity is maximal).

The point is simply this. Negotiation presupposes a relationship which includes and, indeed, is based upon competitation as well as cooperation, diversity as well as commonality. The consequence of interaction, even an unsatisfying one and one in which only a peripheral part of the person is involved, is inevitably the creation/enactment of an outcome, a relationship, which embodies both the common and the diverse elements.

Commodities

Each of the participants brings to a negotiation some commodity which the other wants. In turn, each participant wants some commodity which the other brings to the negotiation. If the metaphor extends to all communication, then individuals' commodities are the stuff of which relationships are made. Here again the absence of physical commodities (such as labors or wages) makes the metaphor difficult to conceptualize in interaction. And if conversational behaviors are the substance of communication/relationship, then commodities must be transformable into behaviors or talk.

In a sense, the commodities which each person brings to a social relationship are bound up in his or her self. During interaction the commodity of self is transformed into behaviors. Considering communication as negotiation, perhaps we should be more interested in self-offering than self-disclosure. After all, communicative behaviors may be thought of as offers in negotiation. And offers (of self) can be accepted, countered, confirmed, or rejected. Not all offers may be significant or involve significant commodities. Others may be bluffs. But the key point is that each individual brings his or her self to the relationship and negotiates with the selves of others in developing a social relationship. Many relationships would thus involve some giving up of one's self as well as some addition to one's self. Other relationships would involve insignificance of the self commodity being offered. And this leads to yet another characteristic of the negotiation metaphor.

Risk and Obligation

When one enters into negotiation, some element of risk is involved. Negotiation renders one susceptible to certain obligations. Each participant in a relationship has the right to obligate the other. The principle of limitation or constraint of choice is always operative. When some portion of self is offered, the susceptibility to obligating self increases. When that self offer is reciprocated, each has obligated and been obligated by the other. It is a truism, hardly subject to argument, that relationships are very risky. It is no wonder that cautious individuals often "don't want to get involved."

But what is the alternative to risk and obligations? Kurth (in McCall et al., 1970) provides the obvious answer: "Polite, stereotyped forms of behavior are low-cost, low-gain behavior. . . . Such behavior makes interaction easy, but it makes the formation of a unique relationship difficult" (p. 151). We all engage daily in polite small talk -- cocktail party conversations, hotel lobby discussions at conventions; but such polite stereotyped behavior leads nowhere. Friendships, for example, require many more transformations of self into behavioral offers during talk, and they deal with more significant elements of the self commodity.

A satisfying relationship, and one which is endemic to human life and self actualization or fulfillment, necessarily involves risk and obligations. Of course, to be obligated is always a matter of choice, but people voluntarily constrain their own choices everyday of their lives when negotiating relationships with other people. In this sense, the study of communication is, first and foremost, the study of routine everyday life.

Other aspects of negotiation are also available to inform our understanding of communication. Settlements or contracts, for example, reflect a developed relationship. A relational contract could reflect the implicit agreements made by a married couple or even a contractual agreement to avoid discussing an issue, as in Albee's "Who's Afraid of Virginia Woolf." The properties of the negotiation metaphor discussed do go a long way toward guiding thought about how to investigate communication as relationship.

USING THE METAPHOR: ANALYZING RELATIONSHIPS

Willer and Webster (1970), discussing theoretical development, could well be describing the purpose of this paper. I am most concerned with theoretical abduction rather than the more common processes of inducation or deduction. According to Willer and Webster, "Abduction is the progressive development and refining of a concept, beginning at the stage of an observable, and ending with a well-defined, abstract theoretical construct which is embedded in theoretical assertions. The objection to the use of abstract constructs rests upon an overly limited conception which considers only the process of induction and deduction. Abduction, which is concerned with the formulation of theoretical constructs, should be kept distant from the processes involved in applying a theory to a particular situation" (p. 754).

My purpose is not to propose a new theory, nor to advocate some methodological approach. My orientation is distinctly epistemological, and the process I use is abduction. When formulating abstract concepts, one is involved principally in a process of invention. The present stage is decidedly speculative, and the concepts are defined only in very general terms. They do not purport to be knowledge claims nor empirical discoveries. Rather, they are concepts potentially useful in analyzing communication/relationships. Embedded in assertions, though not really inductive propositions, they can be used to guide inquiry into the process of how humans negotiate social relationships with one another through interaction.

Interactional Concepts

It is only reasonable to begin with concepts relevant to ongoing interaction, the central feature of negotiating relationships. These concepts represent a hierarchy so that themes are properties of a large body of interaction; within a given theme are issues to be resolved through interaction; and strategies are used by the participants to resolve those issues. The similarity to an argumentation setting is not coincidental. For example, a theme could be legislative debate on a tax cut. An issue could be, will tax cuts to high-income groups result in economic growth through increased investments? A strategy could be the president's personal appeal on national television urging citizens to write their representatives. This hypothetical example departs from the prototype of interpersonal/group communication, but the principle is the same. The following discussion is more clearly oriented toward face-to-face interaction.

Theme. John Van Maanen (in Bennis et al., 1979) has discussed the concept of theme. This lengthy quotation explains the concept rather clearly: "The term theme is used here to denote that aspect of situational definitions that an individual uses to link the past, present, and future. A theme generates an evaluation of present activity not by interpreting the immediate moment itself but by interpreting the immediate moment's relation to the past and future. It joins the experienced past and anticipated future together whether or not that past and future are only seconds apart or years apart. . . . Themes can, of course, be realistic (in the sense that they are continuously being experienced and documented) or fantastic (in the sense that they are never being experienced and documented). But the critical point here is simply that themes are necessary components of an actor's situational definition.

A theme serves largely to place the present within a normalized stream of life events. . . . Themes therefore are testable in the sense that a timetable for events can be partially constructed such that the person can more or less tell if the theme is an appropriate one or not" (p. 63).

When people engage in interaction, they do not do so in an experiential vacuum. They have been in interactions before and will be again in the future. Within that range of interactional experiences is a variety of situations, some of which are similar and some of which are different. Actors categorize those experiences within classifications of similar situational definitions and act accordingly. When a category is not available, they lapse into polite, culturally stereotyped behavior patterns (which of course is also a theme of a type). Themes are thus categories of interactional situations or relationships which function to normalize the present interaction.

It is probably true that themes also exist in a hierarchy. That is, a general theme (e.g., friendship) may characterize a variety of relationships which are similar. Buty among different sets of friends some unique features may also be enacted. Hence, A and B (friends) enact some interactional properties which are different from those of B and C (also friends). But both friendship pairs will also be likely to exhibit a great deal of interactional similarities which can be said to characterize the more general theme of friendship.

At the risk of belaboring the obvious, I hasten to point out that a theme is not exclusively a matter of an individual's interpretation or perception of the interaction. Van Maanen couched his description of a theme within the jargon of his theoretical perspective, symbolic interaction, and implied an internal origin of theme. However, themes are enacted by individuals in concert with other individuals and appear as a created interactional patterning. And that patterning should reflect thematic properties. Remember that the key term is enactment, a property of actions not perceptions. As Weick (1979) has clearly pointed out, perception is not the essence of enactment; and if it were, "the phenomenon would have been called enthinkment, not enactment" (p. 164).

A final key to analyzing relationships with the concept of themes, concerns the accuracy of themes. Karl Weick tells the story of a young officer in charge of a platoon of soldiers fighting a war in the Pyrenees. One stormy night he ordered a patrol into the icy wasteland and became concerned when they didn't return at the designated time. Much later, to his great relief, they all returned unharmed, and he asked the sergeant if they had had trouble finding their way back through the mountains in the snowstorm. The sergeant replied, "Well, we did get lost, and we all thought we were going to die. But then one of the soldiers showed us his map, and we felt much better. We followed it back here with no trouble." The sergeant handed the map to the officer who was horrified to discover that it was a map of the Alps, not the Pyrenees!

The point of this story probably flies in the face of everything we have been taught about validity. If the theme is like a map and guides how we are to behave in a given interactional situation, the enactment of that theme is its "reality." The map is accurate in the sense that it revealed a pattern of the interaction which leads to some conclusion -- in the case of the soldiers, a happy ending. It isn't particularly relevant that the map wasn't accurate; it still guided their behaviors. It isn't particularly relevant if the actors aren't aware of the theme; they enact their relationship anyway. It isn't particularly relevant if the actors define the theme inaccurately or disagree with one another; they will create mutual patterned interaction.

Issue. Every student of argumentation is familiar with the concept of issues. The issue in a relationship/negotiation is quite analogous. An issue is a topic or idea in search of resolution. It is always interrogative and may or may not involve conflict. That is, some issues stem from a lack of information and are resolved through the acquisition of information. Issues represent the "hinge-points" of a negotiated relationships. Their resolution and the mode of their resolution is the outcome and hence definition of the relationship.

Certainly issues will be, to some extent, idiosyncratic to a specific relationship. It is also reasonable to assume, however, that certain stock issues will characterize a wide variety of relationships. No comprehensive list of stock issues could be advanced without a systematic investigation of interactions from a number of diverse relationships, but a few issues are likely candidates. For example, one set of commonalities could revolve around issues of identity -- Why am I? Who are you? Who am I in relation to you? Who are you in relation to me? Another set of stock issues mich include issues of future commitments -- W'll we continue our interactions at some future time? Will we meet in a different setting? Will we broaden our range of relational activities.

The relationship itself could become an issue in the interaction. In fact, groups are often advised to analyze their own group process in order to improve it. Marital partners go through periods of relational analysis. Typically, however- the relationship itself becomes an issue for metarelational negotiation only when the relationship is in trouble or has arrived at a point of transition. Berko et al. (1981, p. 197) suggest that metarelational interaction occurs when a definitional problem is evident, but that too much "talking out" the relationship actually harms it.

Issues, then, are the viscera of the relationship. As they are resolved, through whatever means, the relationship becomes more clearly defined. As people interact with one another, they focus on issues so that issues become the center of their interactional efforts. A specific action should be relevent, then, to some issue, but issues are classificatory devices for sequences of interaction. To analyze specific actions requires a step downward in the hierarchy of interactional concepts.

Strategy. Strategies have typically been conceptualized as persuasive or manipulative (as in compliance-gaining strategies).

The present conceptualization, however, does not imply manipulation of the other for some individual's personal goal. Rather, a strategy is an action linked to the goal/outcome of the collective definition of the relationship. In other words, a strategy is a relational function performed by an individual. Furthermore, a strategy is inherently consequential in that it serves as partial enactment of the interaction patterns. That is, strategies have relational consequences with or without the awareness or intent of the interactant.

Strategies are behaviors or actions directed toward an issue? What can you strategically do with an issue? You can take issue or defend one side; you can relate one issue with another; you can challenge or defend the relevance of an issue (the issue of topicality); you can seek or provide information concerning an issue not yet taken; you can suggest a resolution of the issue; you can avoid or evade the issue. The possibilities are numerous. Fundamentally, strategies can be understood as arguments or reason -giving. Behaviors or actions always provide the rationale for the ultimate definition of the relationship.

Strategies are functional or pragmatic and probably cannot be identified by their syntactic or semantic properties of the language used to express them. Any list of potential strategies would be quite primitive and premature. The following list is intented to be suggestive only. Strategies are basically rational. They are behaviors related to resolving an issue and may or may not be goal-directed in themselves. They may involve giving reasons, attacking reasons of others, or substituting new reasons. A strategy may also redirect the interaction by switching to another issue. It may involve tacking, a sailing metaphor, which might involve redefining the issue in an oblique direction. The key to understanding a strategy is to understand its function -- what it does to or with an issue and how it is relevant to the resolution of the issue and hence the definition of the relationship.

Occasionally the strategy will be so explicit as to include a commentary on its own function. Honey (1976, p. 104) refers to this phenomenon as "flagging." The actor "flags" his or her behavior when including a commentary that reveals the function of the action along with the functional action. Examples: "I'd like to say something in support of that." "I'm going to disagree and explain why." "Let me just check to see if I've got this straight." "Let me play devil's advocate for a while." Although flagging provides the observer with an explicit key to understanding the strategic function of the behavior, it may also be misleading. It is not uncommon for a person to flag a behavior incorrectly. After claiming to be only "checking to see if I've got this straight" (a strategy of clarification through reflective feedback), the actor may proceed to belittle the reasons of the other actor and take issue with them. Flagging is thus more of a strategy which has its own consequences than a conventient label for functional classification.

The Individual Actor

It is important to remember that the essence of a negotiated relationship is the patterned interaction enacted by the participants. Thus the individual actors (at the intrapersonal level) are included within the relationship but are not of that relationship. To the extent that an actor's cognitions/perceptions may affect his or her actions, they can affect the relationship. But such elements serve only as prior restraints on the relationship and are of only indirect significance.

It is also important to note that intrapersonal characteristics are inherently harmful to the relationshiop. That is, such characteristics focus attention away from the relationship and toward the individual's unique identity. Consequently, because such properties serve to distinguity one actor from another, they serve as forces which are detrimental to the relational definition. Bales (1953) recognized individuation in a social system as detrimental to the group, centrifugal forces serving to disrupt the social relationship. He discussed the necessity of counteracting such forces in his "equilibrium hypothesis" for groups.

Hinde (1979) also recognized the sublimation of the individual actor in the social relationship: "There are more or less consistent predispositions that run through the lives of each one of us -- tendencies to behave in this way rather than that, to respond warmly, lightly, courteously, self-centeredly, and so on. But at the same time social behaviour depends on both participants in each interaction, and is thus not exclusively a characteristic of one or the other. Perhaps it is partly for this reason that, although individuals are reasonably consistent from one task to another in intellectual performance, consistency in the personality attribututes usually measured by psychologists is rather low. Much of the behaviour measured in such tests is social behaviour, and may thus depend also on the other interactant. . ." (p. 17).

Hinde recognizes the predispositions of individual actors as prior restraints on the interaction but strongly suggests that their potency is typically less than the social influence of the interaction. We all recognize these predispositions in terms of communicator style (e.g., easy going, low key, domineering, polite, friendly, argumentative) or competence (e.g., articulate, poised, gregarious, easy to know, likeable). Generally, however, these concepts serve to define the individual while saying little if anything about the nature of the relationship. They may affect the relationship in terms of its idiosyncratic properties withoug having much relevance to the overall theme or strategies. For example, I have friendship relations with both low-key and domineering individuals, both articulate and conversationally clumsy individuals. In many ways these relationships are similar (as friendships) even though each possesses properties unique to that relationship because of the individual differences. Only when I focus my attention on the personal characteristics of the individuals would I think of distinguishing among them as friendships.

The intrapersonal level, then, may affect the relationship but only as a prior restraint. It is not fundamentally a part of the relationship. Recognizing the consistency of personal dispositions from the actor's participation in numerous relationships does not imply that the individual level determines the relational outcome but that the individual level contributes the idiosyncratic properties of those relationships. Most importantly, social behavior is enacted by all the social actors and is not a deterministic property of the intrapersonal characteristics of any one of the individual actors, either taken separately or together.

The Context

Like the individual level, the context or situation in which the relationship takes place may affect the relationship (as a prior restraint) without being a part of the relationship. Unlike the individual level, the contextual influence may involve either integrative or disintegrative restraints. The context also includes a variety of different kinds of influences and explicitness of its presence. The context may indeed be as complex a phenomenon as the individual actor.

Context is a ubiquitous term applicable to the actual physical setting, such as interior decoration and design of the room, lighting, etc. The influence of the elements of the physical setting is probably slight even though its importance is often overestimated, particularly by architectural psychologists. The physical setting might also include social elements, e.g., the work setting, the cocktail party, conventions. Typically such settings are not under the direct control of the participant and involve social relationships based on the coincidence of a common environment, the work place, the guest list, professional membership, and so on. And often such relationships remain at a relatively stereotyped, socially polite level of development.

Other elements of the context may be more pervasive. The social customs or traditions of a given culture guide interaction through their implicit rules of appropriate or inappropriate behavior. The language includes rules of usage which guide behaviors in a similar fashion. The context may include a contract such as a marriage, a buyer-seller relationship. When a contract is present, rules of conduct are explicitly laid out. Similarly, one's relationships in a larger organization are controlled by that organization which affects relationships with people within the organization, particularly with those people who have reward power or fate control over the other. The family may also reflect a contractual influence, but it may also reflect an interactional patterning with or without the presence of a contract such as sharing expences and responsibilities of the social unit.

Taken together, the context, the individual, and the interaction may be said to compose the basic elements of a relational or communicative situation. Of these three, the interaction and its patterning are the essence of the relationship. The other two elements (essentially the subsystem and suprasystem levels) function as prior restraints, if at all, on the interaction. And interaction can be understood as the hierarchical ordering of themes, issues, and strategies. With the basic concepts and elements of the negotiated relationship established in the form of theoretical abduction, the next step is actual investigation -- inquiry into an understanding and explanation of how humans negotiate social relationships.

A RESEARCH PROGRAM

Actual inquiry within the negotiation/argumentation metaphor is in its very initial stages. The conduct of that inquiry will inevitably lead to a more clearly defined set of concepts, different concepts, and combinations of concepts into knowledge claims. It might even lead to a complete abandonment of the entire metaphor as not worth the time. Such are the risks of scholarly inquiry.

Dimensions of a Relationship

Much of the contemporary research into relationships has focused on developmental issues. Often the conclusions of these studies will assert the existence of different stages of a relationship. Still other developmental studies have emphasized a particular stage of relational development such as initial interaction. Under any circumstances, one can say that relational development has been a key concern of investigators of relationships and may be considered one dimension present in virtually every relationship.

A second significant dimension of virtually any relationship might be termed "relational quality." Crable (1981) provides one insight into the quality of a relationship with his discussion of "communion." He writes, "The relationship between two people can be called 'communing' or 'communion' when what holds it together is a 'feeling of oneness' -- a feeling that 'who you are' is bound up with "who I am.' There is, then, a communion of 'identities' -- who each of us is. And the result of ending such a relationship is a loss of part of what 'you' and 'I' are. Communion, interpersonally, is not where two people actually become mere 'halves' of a single relationship. Instead, each is more like he or she wants to be because of the relationship" (p. 9).

This dimension of relational quality can be understood as a dimension ranging from "communion" to "individualism." A relationship tending toward individualism is defined by the individual as "What do I get out of this relationship? What does it do for me?" A relationship tending toward communion defines the individual such as "I am who I am because of this relationship." An individual participant either defines the relationship in terms of self or defines self in terms of the relationship. That is the essence of a relationship which is individualized or one which is communal. It is one important aspect of relational quality.

Figure 3 depicts a matrix formed by overlaying the dimensions of relational development and relational quality. The matrix creates four quadrants which provide four gross distinctions of relationship classes: communal-integrative (perhaps a successful marriage or close

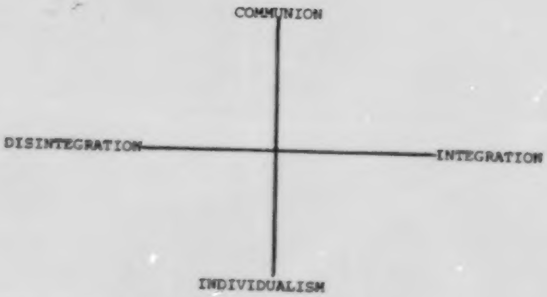

Figure 3. Two dimensions of a relationship

friendship), individualized-integrative (perhaps neighbors or roommates, work colleagues, acquaintances), individualized-disintegrative (perhaps colleagues separted by shifts in jobs, friends separated by distance), and communal-disintegrative (perhaps a divorced couple, breakup of friends). These four quadrants raise a variety of research questions associated with relational development and quality.

What are the strategies associated with communion (or individualism), with integration (or disintegration), with shifts along one of the dimensions? What are the issues associated with each? Do certain interaction patterns identify each of the dimensions or quadrants? Do certain patterns presage a transition or shift in either of the dimensions? What types of relationships can be classified in those quadrants? The list of research questions is almost limitless. And more dimensions of a relationship may be evident during inquiry.

Research Issues and Questions

Perhaps the most obvious question to invoke at this time would concern the selection of method. I am a firm believer in the instrumentality of research methods and techniques. They are content-free and, to a lesser extent, theory-free. However, some methods may be more appropriate than others. Despite this recognition, the number of appropriate strategies is rather large. Any method utilizing interaction as data and capable of pattern recognition and explication would be applicable. Any method associated with what I would call a pragmatic perspective of human communication (Fisher, 1978, pp. 194-233) is certainly appropriate. A partial list of such methods would include interaction analysis, conversation/discourse analysis, hermeneutics, ethnomethods, and a variety of critical methods.

The method that I am using may be unique. I have no name for the method and doubt that anyone has ever used it. In fact, I'm not even sure it is a method. My personal attempts at inquiry emply a method not unlike the principles of judging an intercollegiate debate. Only the goal of the "method" is different. Rather than attempting to determine which interactant does the better relating, I am attempting to define the relationship as enacted. As a result, the reasons for the "decision" provide the results of the method rather than the "decision" itself. But the principle of debate judging still applies. The inquiry is to identify the issues, determine which issues are most significant, discover strategies associated with the issues, and recognize the patterns of strategies evident in the interaction (the "clash" if you will). Of course, if this method proves less fruitful than I expect, there are many other methods available.

In addition to issues of development and quality, numerous research questions arise. One such question revolves around the concept of "routine" encounters. Some relationships appear to be enacted over and over again, even with different interactants. How many times at a convention have you enacted the same routine with different people? And convention routines often remain constant from one convention to the next, from one year to the next. What makes a relational encounter "routine?" Is it simple redundancy? Is it a function of contextual constraint in which the interactants have not choice but to enact the routine? What situational factors are involved? What topical factors? Perhaps more importantly, how and why does a routine encounter become nonroutine? After all, nonroutine encounters seem inherently more interesting. And most relationships begin with a pattern stereotypical of routine encounters.

One of the often overlooked significant factors of relationships is their intermittent nature. People entier, leave, and reenter the same relationship many times and often with long gaps of time in between. Yet the relationship continues. As Hinde (1979) writes, "Each interaction is affected by interactions in the past, and may affect interactions in the future. For that reason a 'relationship' between two people may continue over long periods when they do not meet or communicate with each other; the accumulated effects of past interactions will ensure that when they next meet, they do not see each other as strangers' (p. 14).

How does one go about investigating intermittent relationships? Does an extended gap of time between interactants affect the relationships? If so, how? After all. absence makes the heart grow fonder; but out of sight, out of mind. If gaps do affect relationships, how long must that gap be? When looking at specific interaction data, how can one be sure that it reflects the relationship? Hinde (1979) makes the obvious point: "Research on short-term interactions can thus take us only part of the way towards understanding relationships extended in time. Indeed the significance of interactions to the participants may depend on the content of the relationship in which they are embedded" (p. 20).

The naturally occurring phenomenon of intermittent interactions and thus relationships is indeed a knotty problem not likely to be solved soon. It is far more serious than the more recognizable problem of studying artificial interaction in a laboratory setting as opposed to a field setting. The problems are similar in terms of ensuring "natural" interaction, but intermittency is also natural and remains a problem wherever the interaction data are observed.

CONCLUSION

This paper was intended to present a way of understanding/explaining human communication as the enactment/creation of a social relationship. The essence of this approach is the negotiation metaphor used to inform the phenomena of communication and guide thought toward its understanding. Central to the metaphor is the analysis of patterned interaction within the key concepts of themes, issues, and strategies and directed initially at inquiry into the dimensions of relational development and relational quality.

It must be emphasized that this metaphor is neither a "new theory;" nor is it a perspective advocated as superior to others. In no way is there intended any implication that other approaches to communication or relationship are inferior or to be discarded. Hinde (1979) expresses a sentiment which is beyond any rational dispute: "The complexity and diversity of relationships between people are such that theoretical pluralism seems at the moment inevitable. In some areas theoretical approaches of considerable power are being developed but, in the present state of knowledge, to set theories against each other does not seem like a task of top priority. Much energy has been expended by investigators jousting for the honour of their paradigms, but such contests have not always provided an elegant spectacle, and are wasteful of endeavour. What is needed, within this underdeveloped sub-area of science, is not a mini-revolution, with one paradigm displacing another, but rather attempts to see what is important when and where" (pp. 10-11). I couldn't have said it any better myself.

REFERENCES

Altman, I, & Taylor, D. Social penetration. New York: Holt, Rinehart & Winston, 1973.

Bales, R.F. The equilibrium problem in small groups. In T. Parsons, R.F. Bales, & E. A. Shils (Eds), Working papers in the theory of action. New York: Free Press, pp. 111-161.

Bennis, W., Van Maanen, J., Schein, E.H., & Steele, F.I. Essays in interpersonal dynamics. Homewood, Ill.: Dorsey, 1979.

Berger, C.R., & Calabrese, R.J. Some explorations in initial interaction and beyond: Toward a developmental theory of interpersonal communication. Human Communication Research, 1975, 1, 99-112.

Berko, R.M., Wolvin, A.D., & Wolvin, D.R. Communicating: A social and career focus, 2nd ed. Boston: Houghton Mifflin, 1981.

Collins, O., & Collins, J.M. Interaction and social structure. The Hague: Mouton, 1973.

Crable, R.E. One to another: A guidebook for interpersonal communication. New York: Harper & Row, 1981.

Duck, S. The study of acquaintance. Westmead, England: Saxon House, 1977.

Duck, S.W. Personal relationships and personal constructs: A study of friendship formation. London: John Wiley, 1973.

Ellis, D.G., Werbel, W.S., & Fisher, B.A. Toward a systemic organization of groups. Small Group Behavior, 1978, 9, 451-469.

Firth, J.R. On sociological linguistics. In D. Hymes (Ed.) Language in society and culture. New York: Harper & Row, 1964, pp. 66-70.

Fisher, B.A. Perspectives on human communication. New York: Macmillan, 1978.

Hinde, R.A. Towards understanding relationships. London: Academic Press, 1979.

Honey, P. Face to face: A practical guide to interactive skills. London: Institute of Personnel Management, 1976.

Kelley, H.H. Personal relationships: Their structures and processes. Hillsdale, N.J.: Erlbaum, 1979.

Kelley, H.H., & Thibaut, J.W. Interpersonal relations: A theory of interdependence. New York: Wiley, 1978.

Kelly, G.A. The psychology of personal constructs. New York: Norton, 1955.

Knapp, M.L. Social intercourse: From greeting to goodbye. Boston: Allyn & Bacon, 1978.

Kolaja, J. Social system and time and space: An introduction to the theory of recurrent behavior. Pittsburgh: Duquesne U. Press, 1969.

McCall, G.J., McCall, M.M., Denzin, N.K., Suttles, G.D., & Kurth, S.B. Social relationships. Chicago: Aldine, 1970.

Parks, M.R., & Dindia-Webb, K. Recent development in relational communication research. A paper presented at the annual meeting of the International Communication Association, Philadelphia, 1979.

Patton, B.R., & Giffin, K. Interpersonal communication in action, 3rd ed. New York: Harper & Row, 1981.

Villard, K.L., & Whipple, L.J. Beginnings in relational communication. New York: John Wiley, 1976.

Warriner, C.K. The emergence of society. Homewood, Ill.: Dorsey, 1970.

Watzlawick, P., Beavin, J.H., & Jackson, D.D. Pragmatics of human communication. New York: Norton, 1967.

Weick, K.E. The social psychology of organizing, 2nd ed. Reading, Mass.: Addison-Wesley, 1979.

Weick, K.E. Enactment processes in organizations. In B.M. Staw & G.R. Salancik (Eds.) New directions in organizational behavior. Chicago: St. Clair Press, 1977, pp. 267-300.

Weick, K.E. Conceptual trade-offs in studying organizational change. In J. McGuire (Ed.) Contemporary management: Issues and viewpoints. Englewood Cliffs, N.J.: Prentice-Hall, 1974, pp, 244-251.

Willer, D., & Webster, M., Jr. Theoretical concepts and observables. American Sociological Review, 1970, 35, 748-757.

TOPICAL INVENTION AND GROUP COMMUNICATION: TOWARDS A SOCIOLOGY OF INFERENCE

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Reaching a group decision is an "accomplishment", both in the literal and technical senses of the word. It is an accomplishment literally because almost any group decision involves controversies over the definition of the problem, its symptoms, causes, and solutions. Group decisions are an accomplishment in the technical sense since they are the result of co-acting forces no one of which is sufficient to explain the outcome. Since group decisions are derived through the process of communication, their accomplishment, in both a literal and technical sense, is of central interest to the field of communication.

The history of research into group communication process reflects something less than an unalloyed success.[1] In part, weaknesses in the study of group communication may be attributed to a lack of methodological sophistication[2] and in part, we believe, to the failure to conceive of group decision-making as an accomplishment in both the technical and literal senses. In other words, group communication researchers have all too frequently overlooked the substance of interaction, the processes by which ambiguities and controversies are resolved, in favor of grosser indicants of communication. A few examples may emphasize the point.

Even a cursory review of group interaction studies reveals that they do not address the manner in which a particular decision is selected. Research into the "phase hypothesis"[3], for instance, typically explores the systematic patterns of interaction that characterize the development of a decision. These hypothetical phases are supposedly invariant across groups, if certain prior conditions are met.[5] Thus even if such phases are found, they would tell us only the order in which certain group tasks are accomplished (generation of alternative solutions, choice of the solution, etc.) not how a particular solution is chosen. These studies address only indirectly how a group decision is accomplished because the accomplishment itself is not studied.[6]

Social psychologists have fared somewhat better is this regard. Theorists such as Davis and Hoffman have tackled the problem of explaining particular group choices; however, their efforts have often failed to include the role of communication in reaching a group decision. Davis, for example, posits the existence of "social decision schemes," implicit, culturally shared decision rules that map initial preferences among possible solutions onto the choice of a particular solution. Communication is viewed as epiphenomenal to decision-making; consequently, no communication variables are included in Davis' theory.[7]

Davis has had considerable success in fitting his theoretical predictions to observed patterns of decisions;[8] nonetheless, his successes do not necessarily deny the importance of communication in the accomplishment of group decisions. In his research on decision-making in mock juries, for example, he finds that juries tend to use a "two-thirds, otherwise hung" decision rule even when the explicit, judge-sanctioned rule is unanimity.[9] Davis' interpretation of these results is that, for the tasks examined, juries really employ the two-thirds rule and apply it to their initial preferences in making a decision. Communication may serve no other purpose than a public presentation of initial preference and, perhaps, not even that. But, as Hastie and Penrod point out, it could well be that this two-thirds decision scheme only reflects the boundary conditions for effective persuasion; i.e., the process of discussion may influence juror' initial preferences, but cannot do so effectively if less than two-thirds of the jurors favor one option.[10] Moreover, Davis himself has observed that particular decision schemes may not generalize across tasks and decision-making situations.[11] Thus, even if communication does not play a part in the decision per se, it may still be instrumental in defining the conditions appropriate for the use of a particular decision scheme. Whatever the role of communication in group decision-making, it should be clear that Davis' studies, no matter how successful, cannot deny the potential relevance of communication. Without a direct comparison of Davis' explanation of group decision-making with one containing communication variables, the contribution of communication to the accomplishment of a decision cannot be either discounted or supported.

How could we make such a comparison? At minimum, we would need some theory that links social interaction to the choice of a particular solution in problem-solving groups. One theory meeting this requirement is the "valence model" contrived by Hoffman.[12] Basic to this model is the presumption that the sum of the "valences" of comments made about particular alternative solutions, that is, the positive or negative evaluations given of the solutions, determines this choice; the higher the positive value of the sum for a particular solution, the more likely that solution will be adopted.[13]

Hoffman's valence model could be used to test Davis' assumption that communication is epiphenomenal in decision-making. And, in fact, we understand that this test has been undertaken, yielding support both for the importance of social decision schemes and for the unique contribution of communication to decision outcomes.[14] These results should prove highly encouraging for communication scholars and quite valuable in isolating those aspects of communication worthy of further study. Nonetheless, they leave open a number of crucial questions, questions concerning the argumentative and strategic bases of communication impact that the authors have themselves correctly highlighted.[15] How might suasive argument influence the definition of the problem, thereby influencing the set of solutions examined? If we do not accept Hoffman's implicit assumption that all evaluative messages are equally effective, what aspect of the messages themselves might enhance or retard the changes of a solution's acceptance? Might not careful argument create a "cascade effect" in favor of or opposed to a particular solution? In other words, does Hoffman's summing procedure reflect the process of influence itself or merely the result of the proces?

As with Davis' theory, only the availability of a clear alternative explanation of suasory discourse can provide the basis of a definitive test. Only a theory of persuasive argument grounded in the content of group communication can serve as a true alternative hypothesis to test Hoffman's psychological explanation of decision choice. In the pages that follow we have attempted to lay a foundation for the requisite theory of decision-making discourse. Our efforts rest on the premise that any such theory must be grounded in effective (as distinct from normatively correct) suasory argument as used in actual group discussions. Grounding our efforts on argument as used places us in sharp and necessary distinction to social decision scheme theory and the valence model, both of which are grounded on psychological principles, almost to the exclusion of social interaction variables. Ours is the natural move for the communication scholar--and a useful move if we are to contrive the needed foil to Davis' and Hoffman's theories. Further, by emphasizing effective argumenatation strategies, we have directed our attention toward the rhetorical rather than formal, or logical, character of reasoning in groups. We do so because the interplay of acceptance, rejection, argument, and counter-argument in real groups would tax the sang-froid of even the most fastidious logician; the weight of empirical evidence indicates that, although people can and do use the canons of logic in everyday discourse, these are easily overriden by mundane concerns of style[16] and world knowlege.[17] To put it bluntly, "good" (formally rigorous) argument and effective argument are not often synonymous--but there are, as we hope to show, good, though subtle, reasons for formally "bad" argument. There is a rhetorical basis, a logic-in-use, of suasory argument harnessed for the accomplishment of group decision-making.

These considerations suggest a rapprochement between the study of group decision-making and rhetorical invention. Moreover, a union between these two previously disparate fields seem justified not only by the need for more sophisticated analysis of the content of group communication, but also by recent developments in rhetorical theory. During the past few decades, rhetoricians have become increasingly aggressive in maintaining that there exists a special and distinct form of argumentation belonging to the domain of rhetoric. On this view, argumentative analysis in rhetoric should not proceed from the canons of logic or science to a discrete body of "rhetorical" artifacts, but rather such analysis should arise from consideration of a special argumentative function that operates in all types of discourse. And this rhetorical function is located precisely in the area of intersubjective knowledge. Rhetorical argument thus comes to be a form of logic-in-use, of deliberative judgment as it is negotiated by those who participate in it. The standards of this kind of argument emerge from points of knowledge identified in and generated by the discourse of the group which uses it.

Rhetorical theorists have yet to specify the precise mechanisms which would allow us to implement the intersubjective approach to argument. There is, however, general agreement that the classical notion of topical invention should have an important place in this endeavor. Hence, there have been a number of attempts to revive or reform the classical Topics, and this essay is another effort in this direction. Yet, while the basis of our analysis comes from Aristotle's Rhetoric, the standard traditional source on the Topics, we believe that we introduce an important innovation. Throughout this essay, we will argue that the Aristotelian rhetorical Topics are best understood as a reconstruction of social reasoning. We are therefore concerned about the way that Topics describe the actual process of locating information and generating inferences within the context of the social group. While this emphasis does not ignore the structural features of topical argument, it does lead to a heightened interest in the effects of social assumptions and social interactions on rhetorical reasoning. It is in this respect that the connection between group processes and rhetorical argumentation emerges most clearly; our position is not only that a rhetorical logic-in-use operates as a basis for the accomplishment of group decisions, but also that rhetorical logic is itself a product of group interaction. A careful re-examination of topical lore in light of contemporary theory should serve both as evidence of the existence of this nexus and as a partial explanation of how it works.

We must approach our subject with some caution, since, even when restricted to its technical use in rhetorical theory, the term "Topic" is ambiguous. It may refer to a number of different aspects of the inventional process, ranging from the repetition of certain basic themes to the construction of abstract patterns of inference. The confusions resulting from these multiple meanings have often clouded our understanding of what Topics are and how they related to the process of invention as a whole. Consequently, we must begin with some explanation of our approach to Topics, and to achieve this purpose, we need to stipulate some characteristics of argument, the generic heading under which our interest in Topics falls.

For present purposes, we wish to restrict the term argument to the realm of propositional discourse. Thus, we can say that, in its most general sense, an argument is a series of propositions offered as reasons to resolve a doubtful issue. A Rhetorical argument is qualified in at least two respects. The first qualification is teleological, since the rhetor does not attempt to resolve doubt at an abstract or contemplative level. Rather, the argument works to goad an audience to action; it must attain only a level of plausibility or presence sufficient for the audience to accept a conclusion as the basis for resolving some specific question that confronts it. The second qualification is material, since rhetorical propositions are drawn from and verified by the beliefs of those addressed. Rhetorical propositions do not refer directly to the world as it is, but to the world as it is filtered through human experience.[18]

All arguments involve a movement from reason to conclusion and therefore must begin with what is known in order to resolve what is in doubt. At least one proposition must be assumed to be true, since in the absence of such an initial or elementary proposition, there would be no basis for the movement to the conclusion. These elementary propositions furnish the data on which arguments are constructed, and in rhetorical argument, the data are propositions accepted as self-evident by the audience. They are statements which require no proof, which are accepted as taken-for-granted knowledge. Hence, we might say that the elementary propositions of rhetorical discourse are based upon the sociology of knowledge within a given community. Or to state the point in another way, the material of rhetorical argument consists in items of social knowledge.

In addition to a material base, all arguments also require a connection that links previously accepted propositions to the conclusion. This connection, to use Toulmin's phrase, serves as a warrant or license sanctioning the inferential leap from data to conclusion.[19] Although these warrants are not always articulated in rhetorical argument, some sort of principle of connection must be at least implied if the argument is to do its work. Furthermore, in a rhetorical argument, the warranting proposition need not and often does not draw its force from a rule of formal logic; rather, its potency is more directly tied to the flux of circumstances and informal processes of social judgment. Whether stated or implied, then, the propositional warrant must embody a principle of inference that seems plausible in context. Thus, one might say that analysis of such warrants leads to a consideration of the sociology of inference.

A rhetorical argument, then, is a series of propositions designed to affect judgment about a problematic issue. At minimum, it must consist of one proposition that expresses agreements established prior to the act of argument and one proposition that connects established facts or values to the conclusion. Since all propositions must function in relation to the audience, the whole configuration presupposes knowledge of what an audience believes and of how its members make inferences based upon these beliefs.

Having briefly analyzed these components of rhetorical argument, we can now turn to the matter of topical invention. A Topic is conventionally defined as a seat of an argument or a place from which an argument can be drawn. But this formulation is rather vague, and given the analysis presented above, we can clarify matters by conceiving of a Topic as a source that aids in the discovery of a proposition useful in the construction of an argument. On this view, Topics may be either propositions that express generally accepted beliefs or abstract principles capable of generating such propositions. The basis for isolating and classifying such Topics may vary considerably depending upon the aspect of the argumentative process that engages the theorist. Thus, one might examine the actual subject of discourse, and by dividing it into component parts, develop a system of headings that assist the arguer in gathering materials relevant to arguments concerning that subject. Topics of this type are clearly useful, since they provide a convenient mechanism for surveying a subject and discovering propositions that apply to the case at hand. Yet, their status in the process of agrumentation per se is unclear, since they respond to the substance of the issue rather than the process of negotiating meanings between speaker and auditor. A genuinely rhetorical system of Topics ought to proceed from a basis of classification more intimately connected with the audience.

There exist two obvious sources for this type of topical analysis. The first approach attempts to locate and classify values, beliefs, and attitudes commonly held in a given society and thus to provide an inventory of elementary propositions. Since this inventory describes points of social knowledge, the resulting system of Topics brings us into closer contact with the inventional process than Topics based primarily on the nature of the subject. Nevertheless, this approach also has limitations. When viewed strictly as a source for discovering argumentative starting-points, a topical system takes on a static character, becoming no more than a summary of an already completed sociological analysis. The various headings seem more responsive to the preconditions of argument than to the actual process of constructing arguments. In short, an inventory that functions only to help locate material premises, even when such matter is defined in terms of the audience, leaves us at the margins of the act of invention. It is the second approach, an approach based on analysis of warranting propositions, that takes us to the center of this process. And when the nature of these propositions is understood, it is apparent that a topical system centering on their function subsumes and extends topical categories derived from the analysis of existing attitudes and values.

When examined in isolation, there is usually no clear distinction between an elementary proposition and a warranting proposition. For example, the proposition, "Courage is a virtue," may be used as warrant to justify the conclusion that some particular person is virtuous, or as a material starting point in an argument designed to prove that courage is socially useful. The distinction between the two types of propositions, therefore, is functional. The same proposition may serve as starting point or as point of connection depending on the way it is used in a particular argument. Yet, this difference in function is crucial, for the argumentative requirements attached to a proposition shift dramatically as it assumes one or another of these functions. An elementary proposition requires only material adequacy--that is, it must be believed by the auditor, and if believed, it serves its function. A warranting proposition, however, must meet both the material criterion of acceptance and the inferential criterion of connective potency. If an audience, for example, believes that "Harry was born in Bermuda," it will reach the conclusion that "Harry is a British subject," if and only if the warrant ("People born in Bermuda are British subjects") is (1) believed to be a true statement and (2) believed to provide a sufficient reason to connect the datum or starting point to the conclusion.

The analysis of warranting propositions, then, offers the most comprehensive and must fundamentally rhetorical base for topical theory. At the same time, however, the functional complexity of these propositions seems to erode the foundation on which a topical system rests. Topical analysis requires a coherent principle of classification which can order the elements of the process being studied. The function of the warranting premise, however, resists reduction to such a principle, since it simultaneously acts as a material statement and as an inferential form. And there seems no easy way to restore this duality to a single order, since, as we have already noted, rhetorical argument itself consists in circumstantial inference; its operations push the auditor toward a specific end in terms of conditions that apply to a specific situation, and thus reference and inference dissolve into a unified structure at the moment of rhetorical creation, the whole reaction being precipitated by the dual function of the warranting proposition. Consequently, a sufficient analysis of the warranting proposition can arise neither from material nor from formal categories, and imagination falters at the thought of finding some principle that would synthesize these two basic elements of argument.

Fortunately, however, this dilemma is not insoluble, at least not if the theorist is inclined to accede to rather than resist its demands. Where a single, unified system is inconceivable, it still remains possible to develop two partial systems of analysis. Such a topical theory must always acknowledge that the warranting premise acts as concrete form embodying matter and inference simultaneously, but it can approach the problem from two co-ordinate angles of vision--the one based on material points of agreement relevant to the subject addressed, the other based on common patterns of inference that cut across particular subjects. Moreover, by making some slight adjustments in the traditional interpretations, we can find a basis for this approach in the first two books of the Rhetoric, where Aristotle presents a detailed and bifurcated analysis of topical invention.

At the end of the second chapter of Book I, Aristotle makes a basic distinction between two sources for the invention of rhetorical arguments. He calls the first of these konoi topoi, a phrase we can translate into English as "common" or "universal topics." These resources are "applicable in common to the study of justice and physics, to the study of politics--to a large number of inquiries of diverse sorts. Take the topic of more and less: this is of no greater service when we make a syllogism or utter an enthymeme about matters of right and wrong than when we make one about physics, or about anything else, different though these things are in kind."[20] The second class of sources he calls eidē, a term whose meaning is not immediately clear. Most contemporary scholars understand the word topoi to follow eidē and take the phrase to mean "special" or "particular topics." These Topics are relevant to arguments "derived from the propositions relative to a particular species or class of things. Thus there are propositions in physics from which it is impossible to form an enthymeme or syllogism for ethics, and propositions in ethics from which it is impossible to do so for phyics, and so on through all the special subjects."[21] All told, then, Aristotle distinguishes between a topical system based on field invariant principles of inference and a system based on field dependent propositions.

The special Topics occupy Aristotle's attention through the greater part of Book I. His procedure is to identify the types of rhetorical discourse (i.e. deliberative, forensic, and epideitic), then to identify the ends sought in each of these types, and finally to enumerate propositions commonly used by people when they deliberate about these ends. The analysis of political oratory at I.5-7 provides a good example of how this system works. Aristotle asserts that political deliberations often center on the question of whether some action or thing is good, and he then presents a detailed analysis of propositions typically used when people assess the goodness of something. These include the following:

> That is good the contrary of which is bad.
> That is good on which much labor or money has been spent.
> That is good which men deliberately choose to do.
> Things which are easily effected are good.
> That which is a beginning or cause is a greater good than
>   that which is not.
> What is rare is a greater good than what is plentiful.
> The hard thing is better than the easy.

The pleasanter of two things is the better.
What can be got is better than what cannot.

This is only a small selection from a long list, but it is sufficient to reveal what Aristotle has in mind. We have here a series of Topics which express rather abstract values in propositional form. Aristotle nowhere indicates whether these propositions are well-founded in fact or sound as inferential principles. He merely notes that they are current in his society. In this sense, his inventory of propositional Topics might be regarded as a study in the sociology of knowledge, since his objective is to identify statements that, at least in certain contexts, appear self-evident and require no justification for their acceptance.

In order to appreciate the nature of this topical scheme, we need to understand the way that the propositional Topics function within the structure of a rhetorical argument and the way that they are constrained by the rhetorical context of an argument. Aristotle never describes either of these two processes explicitly, but the examples he provides in the text are numerous, and a careful inspection of them allows us to make a reasonable conjecture about their operation.

Let us take, for example, the topical proposition: "The rarer is better than what is more plentiful." On the basis of this proposition, the arguer can justify the inference that "gold, though less useful than iron, is more precious; for the acquisition of gold is something more difficult."[22] The Topic furnishes the implied warrant in this argument and undergirds its structure. The full form of the argument can be expressed conveniently in this way:

Elementary premise:	Gold is rarer than iron.
Warranting premise:	What is rarer is better (more valuable) than what is more plentiful.
Conclusion:	Gold is more valuable than iron.

Even a casual analysis of this example reveals some important conclusions about the function of the warranting premise. First, though the premise is stated in loose and non-technical terms, it is immediately available for use in the argument; it need suffer no translation or alteration. In fact, the premise does not even have to be stated, since, in most cases, the audience will automatically supply it as the argument proceeds. Second, the warrant connects what we might call the "extremes" of the argument--it allows us to see the relationship between an already admitted fact (i.e., gold is rarer than iron) from which the inference begins and a previously doubtful conclusion (i.e., gold is more valuable than iron). In this respect, as a number of medieval logicians were to note, the warranting proposition functions in a way analogous to the middle term of a demonstrative syllogism. But the rhetorical "middle" differs since it is a whole that connects other wholes; that is, it is a statement integrally related to two other statements, rather than a term integrally related to two other terms. Third, the rhetorical argument (or enthymeme) possesses a general structure akin to that of the demonstrative syllogism. But as the rhetorical argument stands, it is not a valid formal syllogism. This is not to say that the inference is irrational, for we could translate it into valid form through a number of procedures.

For example, we might recast the argument into more precise and specific logical language, such as the following:

> All useful things rarer than iron are more valuable than iron.
> But gold is a useful thing rarer than iron.
> Therefore, gold is more valuable than iron.

This change in the wording of the warranting premise, however, seem useless, even counterproductive. In its altered form, the argument is expressed in an unnatural and rhetorically awkward style. And, more important, by increasing the specificity of the warrant, we weaken its force. The original, non-technical premise appears to blend into the argument, with the auditor making a natural adjustment of its meaning to fit it within the context. The more formally precise language limits this participation by the auditor and turns what seems to be a plausible statement in its context into one that is not clearly self-evident. To use a different tactic, one might convert the original argument into demonstrative form by adding a number of propositions, and thus, by constructing a rather elaborate syllogistic chain, securely link each step in the inference to the next. This procedure, however, is unnecessary, for the auditor is obviously capable of passing through all the required steps without such specific guidance. In fact, this kind of elaboration would violate Aristotle's principle that in "rhetoric you must not begin the chain of reasoning too far back, or its length will render the argument obscure; and you must not put in every single link, or the statement of what is obvious will render it prolix."[23]

In general, then, the enthymeme is similar to the syllogism in that it consists of propositions and rests on an inferential connection provided by a middle element mediating between the two extremes. Yet, there is also a crucial point of dissimilarity that marks the enthymeme as a special, context and content dependent, form of argument. The propositions of the demonstrative syllogism can be parsed into subject and predicate terms, and the whole structure of the argument thus can be displayed in the form of abstract symbolic markers. When reduced in this manner (e.g., the familiar all is x is y, but z is x, therefore z is y), one can test the soundness of the form of the argument in a way that is totally independent of the semantic content of the propositions. Typically, however, rhetorical arguments cannot be parsed into an orderly sequence of terms, at least not without distorting or vitiating their rhetorical force. The proposition, then, is the atomic unit of rhetorical discourse. And it is appropriate that the proposition should assume this role, since, in ordinary deliberations, audiences react simultaneously to the form and meaning of whole statements. Refinements or specifications below the propositional level burden the task of the rhetorician beyond what his subject will allow. It leads to a mode of expression that is unnatural and cumbersome in social discourse, and it fills in material and inferential gaps that are best left to the auditor's discretion--gaps in the area of social knowledge that often can be bridged only through a co-operative effort of the group participating in the deliberative effort. In short, while we can reduce the propositions in a demonstrative syllogism to a set of interrelated terms, terms that operate as formal markers and indicate purely syntactical connections, the propositions in the enthymeme remain so wedded to context and content that they cannot suffer analysis into elements devoid of semantic and social relevance. The complexities and ambiguities of social knowledge outstrip the mechanisms of static formal analysis, and to return to an earlier phrase, the production of rhetorically effective arguments truly requires an accomplishment of the social group.

Finally, we should note that there exist ambiguities in the internal arrangement of the special Topics that correspond to the ambiguities of their function within the structure of an argument. If we return to the list of Aristotelian special Topics cited above, it is apparent that these propositions map out a rough sociology of knowledge about normative matters that arise in political argument. The inventory, however, is only a rough guide, since its items are not ordered in a systematic or comprehensive fashion. There is no external principle of arrangement that governs the relationship of these propositions to one another; in any given case, several of the propositions might apply, and some of them are not consistent with others. Moreover, the propositions themselves do not maintain a stable value, for they are often capable of being reversed. Thus, after Aristotle introduces the Topical proposition, "What is rarer excels what is more abundant," he adds: "On the alternative side, the abundant is a greater good than the scarce, since there is more use of it; frequent use excels rare—hence the saying 'Best of all is water.'"[24] The list of Topics, then, only offers a range of possible strategies; the rhetorician must rely on his implicit knowledge of the audience and circumstances in order to select the warrant appropriate to the situation. The social knowledge that provides the material base for rhetorical discourse is so mutable and volatile that it cannot be invoked without reference to some specific set of circumstances. Judgments about the use of a warranting premise, and hence about both the form and content of the argument, rest upon the context.

In sum, Aristotle's analysis of special Topics provides an inventory of warranting premises based on their material content. His system of classification arises from a general division of rhetoric into three genres. But the matter of the premise comes from social knowledge, and this takes the form of a set of identifiable propositions that commonly undergird evaluative judgments about political, legal, and ceremonial situations. The identification of such propositions, however, does not entail a complete mechanism for the invention of arguments, since the propositions are not arranged coherently and cannot be applied categorically. The attitudes they indicate are contingent, unstable, and gather inferential force only as they come into contact with particular circumstances.

The most obvious distinction between the Aristotelian universal and special Topics lies in their breadth of application. Yet, there also seem to be other and more subtle differences between these two categories of Topics. In order to appreciate these differences and their significance, we must first examine the way in which Aristotle presents the universal Topics and then examine the way that they function within the structure of an argument.

While Aristotle sets forth the special Topics in the form of propositions, he uses only a word or phrase to designate the universal Topics. And after naming the Topic, Aristotle provides sample arguments that illustrate its use. Sometimes he includes a brief explanation of the strategy or principle indicated by the Topic, as in the first of the series: "One topos of demonstrative enthymemes is from opposites. We must observe whether the opposite of A is true of the opposite of B. If it is not, you upset the original proposition; if it is, you establish the original proposition. For example: 'Self-control is beneficial; for licentiousness is harmful.'"[25] In other instances, however, no explanation is provided, the examples following immediately after the Topic is named: "Another topos is from consideration of time when. Thus Iphicrates, in the case against Harmodius, said: 'If before doing the deed I had demanded, if I did it, I should have statue, you would have given me one. Now that the deed is done, will you refuse me a statue?'"[26]

The examples just cited indicate that the universal Topic functions within the structure of the argument in the same way as the propositional special Topic; i.e., it serves as the middle connecting the extremes of the argument. Yet, there is a complication here, since the special Topic itself provides the connective, while the universal Topic operates in a less direct fashion; it provides the source for generating such a connective. Moreover, it is not immediately clear how the universal Topic discharges this function. In one sense, we could conceive of the Topic not as a place but as a container encompassing a number of propositions different in content but similar in inferential form. The rhetor who uses the Topic derives a specific warranting premise from it which can be applied to the argument at hand. For example, in the case of the Topic "from consideration of time," the argument entails the implied premise: "That which would have been granted before an act was done should be granted after it has been done." This premise, derived from the container "consideration of time," serves to secure the conclusion that Harmodius should erect a statue in honor of Iphicrates.

Nevertheless, Aristotle rarely articulates these connective premises in his specimen arguments, and the Topics seem to imply an abstract principle of relationship as clearly as they imply a proposition. This complexity is well illustrated in the case of the Topic "from opposites." Aristotle's first example of the use of this Topic indicates that we can conclude that self-control is beneficial, if we accept the statement, "Licentiousness is harmful." Obviously, we can reconstruct this argument by adding the implied premise, "Licentiousness is the opposite of self-control." Yet, the content of this warranting premise does not, in and of itself, account for the force of the argument; the auditor must also have an implicit understanding of the principle of contariety. And this principle, though essential to any argument governed by the Topic, is not expressed as a proposition; nor is it apparent that any single proposition could express its significance. An argument informed by a universal Topic, then, depends, at least in part, on a principle of connection that is unexpressed, that is even unnoticed in most cases, but that is immediately and undeniably useful to an arguer. There is something more abstract at work here than anything we can describe in a material premise.

These sample arguments seem to incorporate an implied warranting premise specifically relevant to the matter at hand and a principle or strategy of inference that cuts broadly across specific contexts. It is not clear whether the universal Topic is intended to function as a place marking out an abstract strategy, or as a superordinate container for specific warranting premises, or as both. Aristotle does not address this issue; perhaps he does not recognize any problem here, or perhaps he is confused. But if the Rhetoric is confused on this point, it may well be enlightening confusion. It is surely significant that Aristotle does not usually provide any explanation of the principle involved in a Topic, and when he does so, the explanation is brief and non-technical. It is hard to believe that he could not have provided something more complete had he wanted to. Moreover, in the illustrative arguments, he almost never articulates the implied warranting premise. Given these circumstances, we might well conclude that Aristotle assumes that the examples themselves suffice to clarify the principles involved. The rhetor who studies the specimens in the text will grasp the strategies implied within them, and once understood, the strategies will suggest applications; this learning by example, by reference to text rather than textbook, comes close to what modern semioticians call "undercoding."[27] Evidently, the process involved in using the universal Topics is very complex, so complex that it does not allow for theoretical exposition without becoming distorted. Yet, at the level of usage, the process is thoroughly familiar to us; it is something implicitly used by most people who engage in deliberation. Thus, once a strategy is isolated, named, and instanced, the student of argumentation can assimilate it with little effort, just as arguments produced via such strategies yield an effect on auditors who have no conscious knowledge of the principles involved. If this is not actually the theory Aristotle employs in dealing with the universal Topics, it is certainly one that recommends itself to our attention. There is a striking symmetry, after all, in using a non-technical mode of instruction to explain a non-technical mode of inference. The objective here is to habituate the rhetor to a certain way of rhetorical thinking, and habituation occurs by means of examples and indications rather than by means of systematic theory.

Apparently, then, even when based on principles of inference, a Topical system still lacks complete theoretical coherence. The number of Topics in an inference based system is certainly smaller than in a system based on material or special Topics. Yet, the sociology of inference proves to be as elusive and unstable as the sociology of knowledge. Principles of social inference do not yield a straightforward and systematic procedure for developing the internal structure of an argument, partially because they simultaneously bear on several steps in the argumentative process, and partially because they deal with mental activities that are common in use but difficult to define in theory. Moreover, at least based on the evidence provided in the Rhetoric, the universal or inferential Topics do not readily sort themselves into organized categories. The twenty-eight Topics that Aristotle presents do not follow in any explicit pattern of logical order; in fact, they appear as little more than a random list of strategies useful in practical argument. And despite several attempts by competent scholars, no one has yet discovered a convincing set of implicit principles that organize these Topics.

As matters stand in the text of the Rhetoric, the theory of topical invention remains defective from a purely logical or scientific point of view. And much of the subsequent history of topical lore has consisted in misplaced efforts to create a tidier and more coherent set of inferential Topics for practical argument.[28] These later developments suggest a pitfall in theorizing about inferential Topics complementary to the pitfall Aristotle warns against in respect to theorizing about speical Topics. In developing a lore of Topics grounded in material premises, the theorist is tempted to become overwhelmed by the substance of the subject being exmained and thus to lose contact with the process of inference, the authentic ground for inventional theory. Yet, not all inferences are rhetorical, and by attending to inference per se without due regard for context and circumstance, the rhetorician may erect categories that lose contact with the characteristics of rhetorical argument. There is a tendency to create a system wholly dependent on its own internal logic or to create one based on an entirely alien set of principles.

To put the matter in other terms, rhetorical invention must stand in the amorphous middle-ground between concrete investigation of particular subjects and abstract analysis of modes of inference. The rhetorical Topic is a device that must accommodate itself to the necessary confusions about form and matter that occur when people deliberate about matters of social and political concern. It is both concrete and abstract; it acts as a "formal" conveyor, as a connective, but it is never devoid of concrete content. And while rhetorical Topics exhibit a certain rational character, the attempt to render them into static forms or to reduce them to a static order strains their character beyond its limits. Such precision removes them from the world in which they must work. Social knowledge and the forms of social inference are produced by the community as it engages the ambiguous problems inherent in public life. The Topics provide a mechanism that can aid in this process of creation and change, but they cannot reduce it to a routine. Topical performance outstrips topical theory, and thus the foundations of a topical system must always remain anchored in observations of how people actually argue in public.

Conclusions

Rhetorical argument is both a tool for the accomplishment of group decisions and a product of the decision-making process; it both constitutes and is constituted in group communication. But if this intuitively appealing view is correct, how can we study a phenomenon that seemingly creates as it is created? The only conceivable answer to this problem must arise from direct observations of communication behavior, and we believe that the small group offers an ideal laboratory for this project.

Consider the decision-making group as an area for rhetorical argument. Such groups have at least three properties in common as they deal with moderately contested aspects of a problem. First, by any conventional, normative standard of rationality, individual group members are lazy. They do not pick the best solution to the problem; they pick a satisfactory solution, one that meets minimal standards of acceptance. This tendency may at times result from a lack of requisite information, but more often it occurs because the decision-maker believes that the effort necessary to reach an optimal decision is not worth the effort.[29] In other words, there is a sort of "cognitive economics,"[30] a principle of least effort, involved in both individual and group decision-making.[31]

Second, conversations in decision-making groups normally are weakly structured. Solutions are deduced, discarded, revived and/or revised in a seemingly haphazard way.[32] Furthermore, unlike written argument, the text of the discussion is not usually available for review in group contexts. Even if conclusions are set to ink as the group proceeds, the argumentative bases of those conclusions are not--probably cannot be. Thus, group members must process fleeting, ill-organized discourse that they must comprehend and evaluate as it occurs.

Third, and finally, group discussion is a social activity. Group members are responsible to others for their positions. An impeccably structured formal argument may fail to have any impact within the group's social world. And, likewise, a visceral reaction compelling to any one individual carries no necessary weight in a public forum. As a consequence, group members must rely on argumentative forms and beliefs that are accepted by convention.[33] Forms may be adapted creatively, and some of the beliefs engaged may stand in direct contradiction to other socially sanctioned beliefs, but both forms and beliefs must assume the appearance of reasonability, must have some basis in recognized convention, if they are to have any persuasive impact.

Taken together, these properties of small group deliberation suggest a broad range of flux occurring within relatively stable social norms. In this respect, group processes seem strikingly similar to some of the dominant features characteristic of topical argumentation. And, we have reason to believe that patterns of argumentation typically developed within the small group illustrate and illuminate the process of topical reasoning. These include: argumentation that assumes the appearance but not the genuine form of demonstrative proof; condensation of formal chains of reasoning; omission of certain key material and warranting premises in the articulation of the argument; and implicit social mechanisms that invite cooperative interpretation of such unstated premises and connections.

It is a well known fact, for example, that group discussion can bring to bear pressures toward conformity, or at least public acceptance, that have nothing to do with the substance of the issue at hand.[34] The role of deviant or minority group member is a lonely and unrewarding one.[35] Thus, until a group member can survey the distribution of initial opinions, and perhaps even afterward, there is little reason to present a detailed argumentative rationale for a position and much danger in doing so. If the individual is in the majority, he or she may not need to expend the effort to develop specific reasons; pressures toward conformity may make that unnecessary. Furthermore, detailed argumentation draws attention to propositions in doubt; it permits group members the time needed to evaluate an issue with more than ordinary care, to counter-argue even if only to themselves. And counter-argument, even when unstated, militates against persuasion.[36] As a consequence, reliance on implicit but identifiable social conditions and beliefs and thus on relatively abbrievated forms of argument often is more "rational" in the group setting than the use of elaborated, logical form.

This point emerges with special force, when we consider the consequences that often follow the reconstruction of a warranting premise in a truncated argument. In our example dealing with the relative value of gold and iron, the warranting proposition is that "the rarer is the better." For the most part, this seems an innocuous principle, especially when compared to its more precise syllogistic counter-part, "All useful things rarer than iron are more valuable than iron." The topical warrant seems plausible; the major premise of the demonstrative syllogism seems to beg for counter-examples. One could, of course, construct counter-examples for the topical warrant, but to do so requires more time and effort than is the case for its formal counterpart--time and effort not readily available in group discussion, nor likely to be invested by cognitive misers.

The constraints operating in a decision-making group spontaneously produce a type of argumentative discourse similar in many important respects to the type of argumentative discourse produced by a sophisticated student of topical invention. In the group setting, the process of direct verbal interaction and the clear presence of intersubjective standards of deliberation underscore social aspects of argumentation, aspects that are implicit but central in rhetorical argument derived from the Topics. Thus, the small group appears to be natural, unsullied source for the observation of intersubjective modes of argument. At the same time, the use of topical principles offers an appropriate starting point for direct analysis of how communication behavior actually enters into the accomplishment of group decisions. Finally, in both cases, we come to appreciate situations where practical complications preclude the use of rigid formal standards of argumentation, but where argument still may assume reasonable proportions as it works under the pressure of relatively enduring social and cognitive constraints. Our knowledge of how groups accomplish decisions encourages the belief that there are genuine points of social knowledge shared by members of a community and identifiable modes of inferential connection that tie this knowledge to the realm of reasoned practical action.

Where does all this leave us? Ironically, we must end this paper on topical reasoning with recourse to one of the most venerable Topics of academic writing--a disclaimer followed by appeal for further research. Obviously, our major claims concerning the nature of topical reasoning in decision-making groups are largely unsupported, and will remain so until we implement what we advocate. First, and foremost, our claims must find support based on observational studies of topical argument as it is used in the group setting. If both inferential and material Topics depend on social knowledge, then observation, not speculation, must ground research in this area. Second, we must put to the test our speculative attempts to support the view that topical from amounts to a logic-in-use. Although we are able to adduce some empirical support for this position, much of that evidence is indirect. We need, for instance, direct tests of the reconstructive process auitor's employ when presented with eliptical arguments. Perhaps even more important, our analysis to this point has focused exclusively on the persuasive force of isolated arguments. These individual argumentative units must be cumulated in some fashion if they are to work within the fabric of an extended discourse.

Our speculations do not supply an explanation of the problem of cumulation, and it is apparent that such an explanation is required if we wish to obtain a true contrastive test of the theories of either Davis or Hoffman. In short, we have done nothing more than locate a method, a path, that might help us discover something fundamental about the character of intersubjective argument. We have yet to travel its distance and thus must express only a muted optimisim that the path will terminate at a point intersecting the domains of traditional rhetorical theory and the empirical tradition in small group research.

NOTES

[1] See Ernest G. Bormann, "The Paradox and Promise of Small Group Research," *Speech Monographs*, 37 (1970), 211-218; C. David Mortensen, "The Status of Small Group Research," *Quarterly Journal of Speech*, 56 (1970), 304-9; Dennis S. Gouran, "Group Communication: Perspectives and Priorities for Future Research," *Quarterly Journal of Speech*, 59 (1973), 22-9; and more recently David R. Seibold, Marshall Scott Poole and Robert D. McPhee, "New Prospects for Research in Small Group Communication," paper presented at the Central States Speech Association Convention, 1980.

[2] Dean E. Hewes, Sally K. Planalp, and Michael Streibel," Analyzing Social Interaction: Some Excruciating Models and Exhilarating Results," in *Communication Yearbook IV*, ed. Dan Nimmo (New Brunswick, N.J.: Transaction-I.C.A., 1980), pp. 123-41.

[3] Robert F. Bales and Fred L. Strodbeck, "Phases in Group Problem-Solving," *Journal of Abnormal and Social Psychology*, 46 (1951), 485.

[4] For instance, B. Aubrey Fisher, "Decision Emergence: Phases in Group Decision Making," *Speech Monographs*, 37 (1970), 53-66; Donald G. Ellis, "Relational Control in Two Group Systems," *Communication Monographs*, 46 (1979), 153-66; A. Paul Hare, "Theories of Group Development and Categories for Interaction Analysis," *Small Group Behavior*, 4 (1973), 259-304; B. Tuckman, "Developmental Sequence in Small Groups," *Psychological Bulletin*, 63 (1965), 384-99; Marshall Scott Poole, "Decision Development in Small Groups I: A Comparison of Two Models," *Communication Monographs*, 48 (1981), 1-24.

[5] See Bales and Strodbeck; Bormann.

[6] Two major exceptions to the rule are Robert D. McPhee, M. Scott Poole, and David R. Seibold, "The Valence Model Unveiled: Critique and Alternative Formulation," in *Communication Yearbook V*, ed. Michael Burgoon (New Brunswick, N.J.: Transaction-I.C.A., 1981), in press; and M. Scott Poole, "A Model of Group Influences on Individual Behavior Choice," paper presented at the International Communication Association Convention, 1978.

[7] James H. Davis, "Group Decision and Social Interaction: A Theory of Social Decision Schemes," *Psychological Review*, 80 (1973), 97-125.

[8] See Davis, "Group Decisions;" James H. Davis, N.L. Kerr, R.S. Atkin, R. Holt, and D. Meek, "The Decision Processes of 6- and 12-Person Mock Juries Assigned Unanimous and Two-Thirds Majority Rules," *Journal of Personality and Social Psychology*, 32 (1975), 1-14; James H. Davis, N.L. Kerr, G. Stasser, D. Meek, and R. Holt, "Victim Consequences, Sentence Severity, and Decision Processes in Mock Juries," *Organizational Behavior and Human Performance*, 18 (1977), 346-65.

[9] Davis *et al*., 1977.

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[10] Steven Penrod and Reid Hastie, "A Computer Simulation of Jury Decision Making," *Psychological Review*, 87 (1980), 133-159.

[11] Davis *et al.*, 1975.

[12] L. Richard Hoffman, "Group Problem Solving," in *Advances in Experimental Social Psychology*, vol. 2, ed. Leonard Berkowitz (New York: Academic Press, 1965), pp. 99-132; L. Richard Hoffman and N.R.F. Maier, "Valence in the Adoption of Solutions by Problem-Solving Groups: Concept, Method and Results," *Journal of Abnormal and Social Psychology*, 69 (1964), 264-271.

[13] See McPhee, Poole, and Seibold, 1981, for a more complete explication of Hoffman's decision rule.

[14] M. Scott Poole, personal communication.

[15] Seibold, Poole, and McPhee, "New Prospects," 1980.

[16] Herbert H. Clark, "Linquistic Processes in Deductive Reasoning," in *Thinking*, eds. P.N. Johnson-Laird and P.C. Wason (Cambridge: Cambridge University Press, 1977), pp. 98-113.

[17] Alexander R. Luria, *Cognitive Development: Its Cultural and Social Foundations*, trans. Martin Lopez-Morillas and Lynn Solotaroff (Cambridge, Mass: Harvard University Press, 1976), especially cnapter 4; Sylvia Scribner, "Modes of Thinking and Ways of Speaking: Culture and Logic Reconsidered," in *New Directions in Discourse Processing*, vol. 2, ed. Roy O. Freedle (Norwood, N.J.: ABLEX Publishing Co., 1979), pp. 223-44.

[18] We want to emphasize that our intention here is not to develop an exhaustive, or even descriptively adequate, definition of rhetorical argument. We are merely attempting to establish starting points for our inquiry and seek to locate undeniably clear cases of rhetorical argument. That is, no one would deny that the class of rhetorical argument includes propositional arguments intended to influence an audience about a specific social issue based upon audience perceptions of the circumstances surrounding the issue. Other characterizations may be necessary to achieve a complete definition of rhetorical argument, and these characteristics are not necessarily required in order for an argument to be considered rhetorical. By stipulation, we have consciously narrowed our focus so that we can deal with a very complex issue in some depth.

[19] Stephen Toulmin, *The Uses of Argument* (Cambridge: Cambridge University Press, 1958), pp. 97-99.

[20] *Rhetoric*, trans. Lane Cooper (London: Prentice Hall, 1932), 1358^{a}. All quotations from the *Rhetoric* come from this translation.

[21] *Rhetoric*, 1358^{a}.

[22] *Rhetoric*, 1364^{a}.

[23] *Rhetoric*, 1395^{b}.

[24] *Rhetoric*, 1364^{a}.

[25] *Rhetoric*, 1397^{a}.

[26] *Rhetoric*, 1397^{b}.

[27] See Umberto Eco, *A Theory of Semiotics* (Bloomington, Indiana: Indiana University Press, 1976), pp. 129-35.

[28] Two of the most notable and influential reformers of this type are Boethius and Peter Ramus. Concerning the nature and limitations of the Boethian reform, see Michael C. Leff, "The Logician's Rhetoric: Boethius' *De differentiis topicis*, Book IV," in James J. Murphy, ed., *Medieval Eloquence: Studies in the Theory and Practice of Medieval Rhetoric* (Berkeley and Los Angeles: University of California Press, 1978), pp. 3-24. Concerning Ramus, see Walter Ong, *Ramus, Method, and the Decay of Dialogue* (Cambridge, Mass: Harvard University Press, 1958), esp. pp. 171-213.

[29] Irving L. Janis and Leo Mann, *Decision-Making* (New York: The Free Press, 1977), especially Chapter 2; Herbert A. Simon, *Models of Man: Social and Rational* (New York: Wiley, 1957).

[30] Walter Mischel, "Personality and Cognition: Something Borrowed, Something New?" in *Personality, Cognition*, and *Social Interaction*, eds. Nancy Cantor and John F. Kinlstrom (Hillsdale, N.J.: Lawrence Erlbaum Associates, 1981), p. 13; David Navon and Daniel Gopher, "On the Economy of the Human-Processing System," *Psychological Review*, 86 (1979), 214-55.

[31] Janis and Mann, *Decision-Making*, apply something quite analogous to a principle of least effort to both individual and group decision-making; see especially Chapter 2 and Part 2.

[32] Despite the almost universal acceptance of the group phase hypothesis (see Tuckman; Hare; Fisher), Poole's recent critique and test of the phase hypothesis does not support the existence of such phases. Even the issue-centered structure of discussion proposed and tested by Thomas M. Scheidel and Laura Crowell ("Idea Development in Small Discussion Groups," *Quarterly Journal of Speech*, 50 (1964), 140-145) provides little evidence for the existence of structured discussion in untutored decision-making groups.

[33] David K. Lewis, *Convention* (Cambridge, Mass.: Harvard University Press, 1969) discusses the importance of conventions for the regulation of all social behavior. His analysis covers the group setting quite nicely.

[34] Solomon E. Asch, "Opinions and Social Pressure," *Scientific American*, 193 (1955), 31-5: Solomon E. Asch, "Studies on independence and conformity: A Minority of One Against a Unanimous Majority," *Psychological Monographs*,70 (156), No. 416; also see Penrod and Hastie, "A Computer Simulation," pp. 137-8; Serge Moscovici, *Social Influence and Social*

Change (London: Academic Press, 1976), especially Chapter 9.

[35] Stanley Schatcher, "Deviation, Rejection, and Communication," Journal of Abnormal and Social Psychology, 46 (1951), 190-207; also Muscovici, Chapter 9.

[36] Michael Burgoon and Erwin P. Bettinghaus, "Persuasive Message Strategies," in Persuasion: New Directions in Theory and Practice, eds. Michael E. Roloff and Gerald R. Miller (Beverly Hills; Sage, 1980), pp. 159-63; Leon Festinger and N. Maccoby," On Resistance to Persuasive Communication," Journal of Abnormal and Social Psychology, 68 (1964), 359-66.

THE ROLE OF ADVOCACY IN SMALL GROUP DISCUSSION

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An examination of the subject indexes of fourteen small group discussion textbooks written between 1974 and 1980 reveals little attention to advocacy. Only two of the fourteen include "argument" in the index, and only three list "persuasion." This apparent lack of emphasis on advocacy denies both our heritage and much of the current thought in both rhetoric and philosophy. Writing in 1937, A. CraigBaird said discussion required "the application of all the principles of sound argument: skillful analysis, effective marshaling of logic and evidence, clear and persuasive statement." Although he defined discussion as "cooperative thinking," Baird advised the participant to "organize a tentative opinion and be ready to unfold it logically." He suggested analysis of group members as well as recognition of personal prejudices.[1] In recognizing that group thinking should include attention to argument and persuasion, Baird would understand Chaim Pearlman's statement that persuasive elements are "unavoidable in every philosophical argument, in every discussion which is not restricted to mere calculation or seeks to justify its elaboration or its application, and in every consideration of the principles of any discipline whatever, even in the programming of a computer."[2] Objectivity and emphasis on the spirit of inquiry are important, but they should not be stressed at the expense of understanding and appreciating the role of advocacy in discussion.

In this paper I would like to discuss why group discussion is an arena of persuasion, identify possible dangers resulting from both persuasion and objectivity, and finally to suggest strategies useful to the persuader operating with the context of discussion as a search for truth.

From its very beginning a small group has its roots in persuasion. When members volunteer to undertake a task, their motivation is the result of self-persuasion. They believe the problem to be significant, and they believe they can be helpful. If you are appointed to a committee, persuasion has again been part of the process. Expectations for the outcome govern the selection. These people will decide quickly; these will be thorough in deliberations; or these will decide in accord with a specific belief. Membership determination by a random scheme embodies persuasion of the appointing body to a law of fairness. Thus in whatever way members become part of a group their presence is the result of persuasion.

Although discussion is a form of group dialectic or a search for truth, long before our participation we have had exposure to race, family structure, economic pressures, religion, politics, schools, work, media messages, and ad infinitum. Our role relationships and resulting experiences in these areas have shaped and continue to mold our social reality. If our view of the world is contested in the group discussion, we will attempt to persuade to our belief in order to maintain consistency in our thinking. Prompted by the past and motivated by our vision of the future, we hope to define an environment that is pleasing. Herbert Simons says that "each of us is a human engineer, involved in the task of constructing messages and manufacturing our own images in ways that are designed to influence others."[3] Certainly the very nature of group discussion participation provides a stage for this task. Simons has also written that "the best we can achieve, perhaps, is control over our own tendencies to control others in situations where openness would be more appropriate."[4] We should recognize, therefore, that in both the formation of the group and in the process of the discussion, persuasion is integral to the phenomena.

Neither the reality of persuasion or textbook emphasis on objectivity necessarily leads to wisdom in problem-solving. Ego involvement with decisions may hamper information searches and prevent realistic analysis and testing. Persuaders who are unwilling to change, deny the dialectic quality of discussion. When advocates use shoddy tricks of slanted evidence, distorted impressions, and hidden agendas, the cause of truth is not served. Status differences frequently give undue emphasis to arguments if recipients choose to judge by "who spoke" rather than "what was said." To travel a path through the thicket of persuasion, one needs a knowledge of people and their behaviors, of language and its effect, and an awareness of the practices and consequences of manipulation. Although objectivity may seem less sinister, it, too, has flaws. When a strong leader controls or prevents conflict or when group norms are equally oppressive, needed challenges and testing of evidence may not occur. In an atmosphere of neutrality and dispassionate statement, we may not feel we know other members well enough to risk stating what we believe. If we do not have faith that the discussion is confidential or that remarks may not later be held against us, the group's decision may occur by default. Still another flaw resulting from over emphasis on objectivity occurs when the discussion is so neutral and precise as to lack all color which, consequently, causes a lack of interest and boredom to depress the quality of thinking. Good decisions in discussion result from understanding the pitfalls in both advocacy and objectivity and a judicious use of both.

How to use both persuasion and objectivity in discussions creates problems for those people who wish to draw a dichotomy between the two. Kenneth Boulding solves this dilemma by distinguishing between discussions which are scientific and ones which are political or legal. "Science," he says, "is a problem-solving subculture whose main value is truth. It is concerned with developing testable statements about the world which in turn creates images of the world which correspond to what the world is really like." On the other hand, legal and political subcultures have evolved to deal with discussions leading to distributional changes, "that is where they make some people better off and some people worse off. . ."[5] Critics of group discussion who ask the question "who judges the judges?" might well ask "who decided which decisions belong to the domain of science and which to the legal-political areas." Modern use of statistics by social scientists adds further confusion. Harry Levin writes of the danger of making a moral dilemma appear to be a technical issue when he notes, "the greater the methodological sophistication, the more difficult it is to demystify the analysis, and the more tempting it becomes to see 'the emperor's new clothes.'"[6]

Another approach to the problem of separating advocacy and objectivity is to consider what is appropriate behavior for various portions of the discussion. Certainly, problem analysis, information search, and initial testing should aim toward objectivity and/or be conducted with open admission of biases. In the approach to and in the actual decision-making, this author believes advocacy is not only appropriate but necessary. Since cognitive dissonance does not permit prolonged existence in the state of indecision and conflicting evidence, advocacy based on a thoughtful analysis is a better decision-maker than dissolving in confusion. Regardless of attempts to separate persuasion and objectivity, persuasion remains the arena of discussion and provides the spherical outlines for problem-solving.

What is the actual role of the advocate in discussion decision-making? What strategies are available to secure the best decision consistent with "cooperative thinking?" In the remaining part of the paper I will first describe traps which may lull the persuader into unwittingly failing to profess his cause, and then discuss various strategies and their values and limitations.

The traps I would like to discuss are not ones planned by opposition forces, but rather ones which arise naturally from intensity of feelings and pressures of time. In an effort to wind-up the work of a committee, meetings may be scheduled on successive days of even back to back. If tempers flare and you are guilty of shouting angrily, a reprimand or your own self-consciousness at having violated a behavioral norm may cause you not to speak at the next meeting. Your silence could mean that arguments for your side which should be repeated are not spoken; thus the prepondance of statements on the other side results in a victory. The expectation that you or others can always speak dispassionately when you care deeply is indeed a trap when meetings do not allow time for the lessening of embarrasement over an unfortunate but understandable outburst. Frederick Douglas spoke wisely when he said, "those who profess to favor freedom and yet depreciate agitation are men who want rain without thunder and lightning."

Two additional traps for advocates occur when committee reports go to a larger body for discussion and a final decision. Having argued eloquently in the committee, you may forget that the bones of a report do not carry the fullness of argument. What now seems repetitious to you may need to be said to the larger group to enable them to judge the report adequately. Your willingness to listen because you spoke earlier is not wise when the discussion body is not the same. If your side emerged victorious in the committee, you may have a false sense of security. When committee reports contain both majority and minority viewpoints, there is no guarantee the decision-making group will agree with the committee majority. Instead of counting on one success to lead to another, the advocate should analyze the larger audience and be prepared to re-argue the case.

The use of the secret ballot is not really a trap, but its benefits and costs should also be considered. An open vote when member trust is high will assure similarity between oral support and vote; but, when member trust is low, any vote may be governed more by future fears than present facts. Although the secret ballot provides freedom in voting, the advocate must decide if it will favor his cause. Most groups quickly ascribe to any request for annonymous voting. In a public choice between higher justice and present expediency, justice is more likely to win.

There are strategies available to the advocate more propitious than worrying about the effect of a secret vote. Lest the word strategy carry with it the connotation of evil coniving, let me say quickly that I do not believe in tricks such as hidden agendas, sub-group power struggles that split the group, undercover operations where discussion conversions take place in diads or triads outside of group meetings or any weilding of undue influence by discussion Godfathers. William Cullen Bryant said truth crushed to the earth would rise again. The correctness of this longterm prediction is not necessarily realistic for small group discussions where the work must be completed in a relatively short time. The strategies suggested will, hopefully, help truth to rise before the final decision had been cast into stone. The first group of strategies operate on rule or counting principles, the second group are person oriented.

In order to make what we hope will be a rationale choice, we may decide to abide by a rule. Irving Janis in his discussion of decision-making, suggests possible rules in the strategies he calls satisficing and quasi-satisficing. In the former, you ask questions such as: Will the choice work? or Does it meet minimum requirements? In quasi-satisficing, you apply a rule such as "it worked last time."[8] Both of these methods require few decisions, there is no search for better alternatives, and no implication of testing. The chosen rule embodies the values of the group. While this strategy may be simple to apply, it makes no distinction between major and minor decisions; and the advocate must remember that the selection of the rule used constitutes the real decision. John Rawls, in his book A Theory of Justice, suggests a number of other rules which decision makers can use. For short term decisions, he lists three: (1) adopt the solution realizing the end in the best way—e.g. lowest expenditure or greatest outcome, (2) choose the alternative which provides all of the benefits of the others and offers additional gains, (3) select the item that has the greater likelihood of being adopted. For long-term decisions, Rawls identifies three principles: (1) the principle of inclusiveness--this choice will be better in more future periods by encouraging and satisfying all aims and interests plus bringing additional benefits; (3) the principle of greater likelihood--this decision will be the more acceptable one to most people.[9] The rules suggested by Rawls imply that the rational cboice is the one most likely to be accepted and at the same time offering the most benefits for the least cost. In this summary, Rawls' directions are similar to the Janis strategy of optimizing; however, to apply optimizing, a group must know the pay-off for every alternative before deciding. Obviously this analysis would assure a fullsome discussion, but it would be more time-consuming than the application of a single rule.[10] Rawls states that people are more likely to accept a satisfactory plan than to continue to explore until they have the best. In defense of this characteristic, he suggests there is a balance between possible improvements in decision and time-cost of continued reflection.[11]

A strategy which embodies the counting principle is the criteria approach. This type exists in several variations. In one, the group describes the ideal and agrees to select the alternative more nearly resembling this ideal. Another form is a list of guidelines which determine the final choice. The guidelines may be considered equal in importance, they may be rank ordered, or they may have weights assigned to them. Since the final decision will be automatic if the group abides by the criteria, the real decisions are made at the time of criteria selection. The advocate, as well as other members of the group, must be chess players understanding the implications of their choices. Agreement on criteria should come before the solution discussion in order hopefully to avoid their being overly tainted with status differences, lack of trust, and emotional distortions. There should be ample feedback to assure mutuality in understanding before being put in written form. A review before application should not result in changes unless they are necessitated by situational variations. Shifting of criteria may too easily result in obstacles for truth or the attaining of the best decision. Addition of new items at the time of matching with choices should occur only if the existing criteria does not provide a decision. Unless standards are numerical, such as the dimensions of a box, they are statements of value, and whenever weights are assigned these values become firm. One method of depersonalizing value choices is the use of a cost-utility approach. Members individually assign values to the alternatives. When consensus is high, items are weighted heavily. This approach uses surveys, rating scales and the delphi technique. The merit in depersonalizing value choices in the criteria approach, however, must be balanced against a real danger in tyranny of numbers.

Another strategy involving a counting principle available to the advocate is to ask for a meeting to discuss second and/or third choice considerations. This process may widen options, provide more opportunity for combinations of choices, and may reveal agreement.

The strategies described above should be helpful in providing decisions which may be both rational choices and good decisions. The advocate who chooses one of these procedures and persuades his group to use it knows his persuasion must be effective at the time of choice of rules or criteria and in demonstrating relationships between the rules or criteria and the alternatives. Counting or matching techniques do not rule out value-laden judgments.

A more direct form of advocacy in group discussion is in the adversary approach. This debate or courtroom model provides for the presentation of the best evidence pro and con combined with challenges and testing of that evidence. The design provides for full and free discussion and does not favor any side. It is a particularly desirable strategy when the group faces decision between two good or two bad choices or in a situation where value biases are difficult to separate from technical evidence. People participating in the adversary discussion may be volunteers or be assigned to the task. Since this latter approach can not escape person orientation, selection should be as objective as possible--perhaps asking the chair to select people willing to participate in adversary argument from a list of names supplied by a committee. Participants chosen in this manner will be free to discuss issues without having to defend their position at a later time. Although in a role-playing format, emotions may still divide the group creating splits which may impair future working relationships. This danger may be lessened by separating the adversarial meeting from the decision meeting by at least a week. Not only does the time period permit tempers to subside, but it provides an opportunity for solitary reflection. The "cooperative thinking" of group discussion may well profit from thought apart from the group. Certainly, our culture emphasizes the separation of the thinker from action groups. In the book, The Life of the Mind, Hannah Arendt does not say solitariness of thinking is the ideal, but she does present solitude as one characteristic of thinking as an activity. Since discussion belongs to the public world of action, time intervals for individual thought may improve decision-making. The final meeting should begin with open discussion before moving to decisions. Obviously the adversary approach does not guarantee victory for any one side, but it should provide ample discussion on the best attainable evidence despite the handicaps or advantages of speaking superiority.

Who makes the final decision is another person-oriented strategy. Should it be made by the group or should they defer to a blue ribbon committee or a panel of experts? Problems are inevitable in either choice. The blue ribbon committee will probably wish to begin by doing their own research, setting their own standards, doing their own challenging and testing of evidence. The time consumed may mean a decision which no one wants because they have learned to cope while waiting and are unwilling to risk unknown factors in change. Another problem with the blue-ribbon committee is that jealously or status differences may prevent implementation of the decision. The use of a panel of experts to weigh evidence and decide may not be the best use of expertise. The judge in the court does not have to possess technical knowledge; he must know the law or societal values. Problems in selection of decision makers compound the interfacing of values and evidence. An advocate may prefer to put his arguments in the hands of experts for the final decision if he feels their training in evaluation of evidence outweights problems in the use of the strategy.

The role of advocacy in group discussion is a necessary one. As Kenneth Boulding says, "Every decision involves the selection among an agenda of alternative images of the future, a selection that is guided by some system of values." To choose between values or the facts determined by value judgments is the task of participants, for modern society does not encourage living our lives in the singular. If particular strategies useful to advocates make choices simpler or promote full discussion, their use should not be disparaged in the name of detached decision-making. Since we must live with our decisions they should have the opportunity for the best test of truth which is, according to John Stuart Mill, the ability to survive in a competitive marketplace of ideas. The advocate is a needed participant in the "cooperative thinking" of small group communication.

FOOTNOTES

1. Craig Baird, Public Discussion and Debate, Chicago: Ginn and Company, 1937, pp. 357-369.

2. Chaim Pearlman, "The New Rhetoric," in L. Bitzer and E. Black (eds.) *The Prospect of Rhetoric*, Englewood Cliffs, N.J.: Prentice-Hall, 1971, p. 119.

3. Herbert W. Simons, *Persuasion: Understanding, Practice and Analysis*, Reading, Mass.: Addison-Wesley Publishing Company, 1976, p. 5.

4. *Ibid.*, p. r.

5. Kenneth E. Boulding, "Truth or Power?" *Science* 31 October 1975. p. 423.

6. Henry M. Levin, "Education, Life Chances, and the Courts: The Role of Social Science Evidence." *Law and Contemporary Problems*, Spring 1975, Vol. 39 p. 234.

7. Frederick Douglas, Letter to Gerrit Smith, March 30, 1849 in *The Great Quotations* compiled by George Seldes, New York: A Caesar-Stuart Book, 1960, p. 214.

8. Irving Janis and Leon Mann, Decision Making, New York: Free Press, 1977, pp. 25-31.

9. John Rawls, A Theory of Justice, Cambridge, Mass.: The Belknap Press of Harvard University Press, 1971, pp.412-13.

10. Janis. pp. 21-25.

11. Rawls, p. 417.

12. Boulding, *Ibid.*

RHETORIC AND THE PROBLEM OF LEGITIMACY

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What exactly do we mean when we describe an object as being "legitimate"? If the object happens to be a child, we intend to suggest that it was born to legally wedded parents. Not surprisingly, the word "legitimate," derived from the Latin *legitimus* or "to render legal," first appeared in English during the fifteenth century referring almost exclusively to the "status of one legally begotten," and "entitled to full filial rights."[1] According to eighteenth century English common law, the "filial rights" which distinguished legitimate from illegitimate children were carefully prescribed: Whereas illegitimate children were legally guaranteed only only minimal economic maintenance, legitimate children were additionally entitled to physical protection, education, and, perhaps most important, inheritance.[2] Since the eighteenth century, however, the term "legitimate" has been used far less frequently to distinguish the inherited entitlements of legally and illegally birthed children than it has been used to describe the legal and normative status of socio-political authority, i.e., a particular use of power by a leader or government is considered to be legitimate when it is somehow justified in the eyes of the members of the community in which it is wielded.[3] According to modern usage, therefore, one might judge and describe President Reagan's decision to remove the grain embargo which former President Carter had imposed upon the Soviet Union as a more or less legitimate extension of the authority and power granted the executive branch of the government in the United States Constitution.

Of course, in one sense, such usage of the term "legitimate" is largely analogic -- a figurative description of the relationship accorded a particular government and its constituents in terms of the legal and genealogical relationship between a child and its parents: Just as a child who *was* born out of wedlock during the eighteenth century *was* considered illegitimate and his or her entitlements to security, education, and inheritance *were* considered unjustified, so a leader's or government's inherited entitlement to engage in a particular act of power *is* considered illegitimate and unjustified when it does not receive the appropriate authorization of its progenitors or constituents. There is, however, at least one important difference which distinguishes these two otherwise analogous phenomena from one another: While a child's legitimacy was considered legally to be an *a priori*, genealogical state, determined in each instance as an accident of birth, the socio-political legitimacy of an act of power by a government or leader is an inter-subjectively determined condition of mass political consciousness, presumably preserved through the capacity of the acting agents to justify their activities to the community by explaining the purposes and intentions of their actions.[4] Unlike its genealogical counterpart, then, it would appear that socio-political legitimacy holds a direct and integral relationship with public advocacy or "rhetoric."[5]

My interest in the following pages is to explore briefly and speculatively the dimensions of the association between rhetoric and socio-political legitimacy -- a relationship which, until recently, has been generally misunderstood or disregarded by those students of society whose concern it is to investigate and to explain the stabilizing "mechanisms" of social and political communities -- towards the development of the basis for an interpretive or meaning-oriented theory of the problem of legitimation.[6] In particular, I will advance the following two propositions: (1) Legitimation refers to the social rhetorical process through which public advocates seek to produce a state of mass political consciousness which might be described best as "public trust"; and (2) Once established, socio-political legitimacy or "public trust" functions as a stabilizing rhetoric of control. Throughout the essay I will have reference to the recent works of Jurgen Habermas and Niklaus Luhmann as starting points for my analyses of socio-political legitimacy.

(1) *Legitimation refers to a social rhetorical process through which public advocates seek to produce a state of mass political consciousness which might be described best as "public trust*." Prior to the seventeenth century, the major societies of the world were virtually all governed by some form of absolute monarchical authority.[7] Moreover, in practically ever instance, the authority for the claim to absolute rule was justified as a divinely sanctioned mandate, a temporal power remanded directly from God to the wielding monarch. According to Reinhard Bendix, "For millenia, rulers rested their claim [to authority] on divine sanction ... A deity or spirit was believed to sanctify rule, and the rights of the ruler *could not be questioned*, lest sacrilege jeopardize the welfare of all."[8] Additionally, particularly in the Western European states, monarchs developed a secular justification for their mandate to rule out of the principle of hereditary birthright.[9] Thus, throughout most of the Middle Ages, the right to the authority to rule was not merely an issue of divine ordinance, but was also an issue of hereditary entitlement; in order to justify wielding God's remanded power, a monarch had to lay claim, quite literally, to his or her genealogical legitimacy.[10]

This traditional, patriarchal form of absolute authority came into question first and most significantly in England during the late sixteenth and seventeenth centuries.[11] By 1689, the year following England's "Glorious Revolution," the parliament had thoroughly rejected the claim of the Stuart monarchies to divine or hereditary absolute rule, and had substituted instead a constitutional monarchy in which the powers and authority of the crown were balanced against those of the legislature, the representatives of the "people." The change was of no little significance. When divine and absolute sovereignty resided with a hereditary monarch, the authority of his or her right to rule was considered irrefutable. As James I proclaimed at Whitehall in 1609:

> Just Kings will ever be willing to declare what they will do, if they will not incur the curse of God. I will not be content that my power be disputed upon, but I will ever be willing to make the reason of all my doings, and rule my actions according to my laws.[12]

In the wake of the English Revolution, however, that situation changed drastically. No longer did the monarch rule by virtue of an hereditary association with the deity. Rather, monarchical power was based in a contract which made one's authority dependent upon the consent of the governed.[13] And as sovereignty changed hands from the monarch to the "people," the very nature of socio-political legitimacy was altered. Whereas previously the monarch's right to rule was legitimate as an a priori hereditary entitlement, now his or her entitlement to rule was authorized -- or legitimized -- through the intersubjective determinations of the will of the "people." Subsequently, the manner of of attaining and maintaining the legitimate authority to rule changed. Whereas previously a monarch such as James I might guarantee his continued authority to rule by sharing "the reason of all my doings" with a spritual God, he had now to justify those actions to the satisfaction of his temporal constituents. Thus, as the "people" replaced the deity as the ultimate authorisation for temporal power, the monarch's legitimacy, once a literal question of genealogy, became a figurative or metaphoric question of consensus.

The problem of legitimacy which we face in contemporary times, it seems to me, is dominated by the issues relative to this latter, metaphoic conception of legitimation which evolved out of the shift from absolute to consensual rule. Thus, I would argue, socio-political legitimacy "exists" today, not in its original sense as an a priori standard of authority against which rulers and governments can judge and justify their actions, but as the essential embodiment of faith and trust which the leaders (or spokespersons) of a society manage to generate in the mass consciousness of their followers.[14] Moreover, to the extent that socio-political legitimacy reflects a consensus or state of mass consciousness with regard to the validity of particular uses of power, it is by its very nature interpretive and evaluative, not so much a phenomenon as a shared meaning imposed on a situation. So, for example, I would hold that Richard Nixon was not considered to be an illegitimate or legitimate President by virtue of any particular quality inherent in any of the actions which he took or failed to take. Indeed, other past Presidents have been guilty of far more heinous crimes than Nixon without suffering the same or even similar consequences. Rather, Nixon's legitimacy or illegitimacy as a President of the United States was dictated by an evaluative interpretation of the motives or arguments which he elicited for acting as he did. Ultimately, then, Richard Nixon faced impeachment, not because he was involved in the Watergate affair, but because he failed to convince the American people that his actions were motivated towards their best interests as the members of a nation. More than anything else, Nixon failed to justify the "public's trust" in his leadership.

To be sure, an understanding of socio-political legitimacy as predicated upon the beliefs credited both in and by the subjective attitudes of the actors involved has permeated the study of political authority ever since Max Weber first discovered the "ideal-types" of legitimate domination. Nevertheless, until recently, largely as a result of our failure to acknowledge the sense in which socio-political legitimacy is conceptually a metaphor for a consensual relationship which exists solely by virtue of an interpretive process, we have neglected to develop fully a theoretical framework from within which to examine the rhetorical or argumentational dimensions of legitimation.[16] I believe that the foundations for such a theory can be located implicitly in the critical apparatus offered for the analysis of legitimation problems in the research of Jurgen Habermas.

According to Habermas, socio-political legitimacy exists as a rational normative consensus, grounded in argumentation, "that there are good reasons for a political order's claim to be recognized as right and just."[17] Thus, he writes:

> We cannot explain the validity claim of norms without recourse to rationally motivated agreement or at least to the conviction that consensus or a recommended norm could be brought about with reasons ... The appropriate model is the communication community of those affected, who as participants in a practical discourse test the validity claims of norms and, to the extent that they accept them with reasons, arrive at the conviction that in the given circumstances the proposed norms are "right." The validity claim of norms is grounded, not in the irrational volitional acts of the contracting parties, but in the rationally motivated recognition of norms, which may

be questioned at any time.[18]

As such, Habermas argues, the legitimacy of a social or political order reflects a communal belief in the "truth" of a "contestable validity claim," the stability of which "the order of domination depends on for its de facto recognition."[19] That is, the sustenance of a legitimate political order is reliant upon its capacity to subject its normative justificatory motivations for action (e.g., claims to "liberty," "freedom of speech," "national security," "the right to life," etc.) to the court of public debate with respect to any particular issue (e.g., "the Equal Rights Amendment," "censorship of pornographic literature," "the boycott of the Winter Olympic Games in Moscow," "the legalization of abortion," etc.)

When such public debate is impeded, Habermas maintains, there is no consensual basis for determining the validity of the community's normative motivation to action, and thus the "true" collective identity of the community is lost. Short of explicit censorship, he argues, the primary impedance to such public debate is ideological domination or "systematically distorted communication."[20] When all or morst of the parties to a rational consensus fail, for whatever reasms, to employ the same langumage according to essentially similar meanings or usagwe, there can be no basis for community. And where there is no sense of community, there can be no trust between and amongst the members of the collectivity. Subsequently, the result is a "crisis" of legitimacy in which the political order's (or, as I shall argue, the particular advocate's) ability to provide meaningful and valid rationale for the empirical experiences of the members of the participating community is called into direct and sustained question by the members themselves.

In order to understand and to overcome the "crises" predicated upon "systematically distorted communication," Habermas has endeavored to construct a theory of Universal Pragmatics which, he maintains, will help us to "identify and reconstruct the universal conditions of possible understanding."[21] At present, he has gone no further than to isolate what he considers to be the four necessary conditions which must be met in order for an "ideal" communicative interaction to succeed: What the speaker utters must be (a) comprehensible, (b) true, (c) sincere, and (d) appropriate to a social or cultural milieu.[22] These conditions, I would speculate, inform the substance of any relationship based in "trust," be it at the interpersonal level, or at the level of mass society. By considering the comprehensibility, truth, sincerity and cultural propriety of the argumentative claims to legitimacy made by particular speakers in a specific situation, we ought to be able to isolate and reconstruct accurately the primary, normative commitments to action in a given community, as well as the juncture at which competing norms -- or competing interpretations of the same norm -- come into conflict with one another and foster a potential condition for "distorted communication" or distrust. As such, when applied to a real situation in which individual public advocates are striving to justify particular actions or policies according to the normative commitments of the community, Habermas' scheme of validity conditions for the "ideal" speech act offer an initial theoretical framework for analyzing the interpretive or rhetorical nature of socio-political legitimacy as it emerges in the mass political consciousness of a community.

Of course, Habermas himself might object to my application of his conception of Universal Pragmatics. An incipient Marxist, he locates legitimation crises in political and economic structures and seems to assume that the members of a society can somehow separate their conception of a particular structure from the actual men and women who administer it. Such a conception contradicts human experience. Socio-political legitimacy is always an evaluation and interpretation of the behavior of particular administrators, not merely the systems in which they administer.[23] So, for example, while the political and economic systems of England changed drastically as a result of the "Glorious Revolution," such was merely a by-product of the event itself. In point of fact, the original intent of the planners of that upheaval was to do little more than to overcome the particular tyrannies of James II and to insure against their repeated occurence under the rule of any future monarch.[24] The same might be argued about every crisis of legitimacy which has occured in the Anglo-American experience in the past three hundred years. The result of Habermas' conception, however, is predictable: Rather than to focus on "public trust" as the key ingredient in deciding socio-political legitimacy -- a mode of consciousness which assumes human interaction and hence is built as much upon emotion as anything else -- he isolates legitimacy solely within the structure of an idealistic and mythically conceived notion of "rationality" and "public debate." Following this line of argument, his primary concern has been with constructing a critical social theory that will enable us to free ourselves from the "systematically distorted communication" of a dominant and presumably irrational ideology. Subsequently, he attends completely to the question of what makes legitimacy possible?, and ignores the concern of my second proposition: What does does legitimacy make possible?

(2) Once established, socio-political legitimacy or "public trust" functions as a stabilizing rhetoric of control. As children, the idea of "trust" probably first permeates our consciousness around the age of five or six, when, for the first time, we are instructed to place our complete faith in a person external to the family unit. The subject of such trust is a policeman, a person, we are trained to believe, who is the guardian angel of the public and who is always ready and eager to be of service to citizens in need. Curiously,

however, we are taught at the same time to fear policemen as the somewhat larger than life enforcers of our society's laws, who carry guns and billy clubs, and who are vigilant in their search for the least of legal indiscretions. And it goes without saying that we learn our lessons well. Who amongst us has not experienced the physiological relief which accompanies the arrival of a police car at the scene of a crime? And, similarly, how many of us have not experienced the shortness of breath, increased pulse rate, and sweaty palms which accompany the abrupt appearance of flashing red lights in the rearview mirror of our automobile? The apparent inconsistency in our perceptions of and reactions to the police, I shall argue, epitomizes the argumentative power and social function of the state of mass political consciousness which I have described as "public trust" or socio-political legitimacy.

Trust, which is essentially personal trust, is a relationship of reliance that intelligent individuals develop with one another as a necessary prerequisite of dealing with an uncertain and hence particularly threatening future. It is, according to Niklaus Luhmann, an attempt to reduce the "complexity of the present" through assurances about the likely stability of the future:

> The actor binds his future-in-the-present to his present-in-the-future. In this way he offers people a determinative future, a common future, which does not emerge directly from the past they have in common, but which contains something comparatively new.[25]

So, at the level of society the young child is taught to believe that there is no frightful contingency that the presence of a policeman cannot help to overcome. And therein lies the rub, for all trust requires somekind of accompanying reason. Policemen are trustworthy, we are taught, not merely because they are good samaritans, but because they stand as the symbol of the naked power of the mass collectivity -- a power which, as the members of a society, we have statutorily granted them so that they might protect us from one another. And so, just as our emotions, informed by a reasoned hope for security in the future, entreat us to trust the cop on the beat, the reason informing our intelligence forces us to fear and respect the institutionalized power which he or she embodies.

The trust which we express in our leaders parallels the relationship which ordinary individuals hold with policemen. As a nation, we place our faith and trust in the hands of a Franklin Delano Roosevelt or a Ronald Reagan because, as individuals, they project an image which seduces us into participating in an "Utopian Myth," a comforting illusion that through rigid adherence to the constituted ideals of the society they can guide us through whatever uncertain adversities the future might present. At the same time, we fear the stark, naked power of the institutions with which we entrust them. Hence, we require that they justify their actions in a public forum through reasoned argumentation, not so much by law, but as a matter of custom. So, for example, every law which passes through our various legislatures is prefaced by a preamble which functions to express the intentions by which the makers of the law were motivated. Similarly, Presidents and Prime Ministers alike are expected to appear before the public periodically and explain their actions in terms of the acceptable normative commitments of the society. Generally, members of a society recognize the difficulties of dealing with the problems of a capricious world and are therefore are exceedingly tolerant of the specific failures of their leaders as long as they do not occur too often or are repeated. Correspondingly, especially in more complex social systems, leaders are given a good amount of latitude and lexibility with the power that they wield in fulfilling the obligations of their office. Individual indiscretions do not always result in a complete loss of trust or legitimacy. As Luhmann notes, "he who is in breach of [public] trust is entitled to lay claims to extenuating circumstances."[26] But, when particular laws or serendipitous acts of power are multiplied, or cannot be successfully explained in the terms of a communities ideal normative commitments, the "public trust" is bastardized, fear of the future increases, and government -- always embodied in particular individuals and administrations -- is perceived to be illegitimate and dysfunctional.

Socio-political legitimacy or "public trust," then, is a requisite of life in community. It allows for the centralization of power necessary to the successful administration of government, and at the same time it serves as a mediate, prior constraint upon the use of that power.[27] As a rheoric of control, it functions argumentatively to stabilize the relationship between normative social structures and individual personalities towards the satisfactory resolution of the exigencies which confront the members of a society from day to day. As Luhmann concludes:

> Trust and law must operate indpendent of one another, [are] connected only through the general conditions which make them possible, and, when the need arises, [must] be capable of mutual co-ordination with reference to individual problems of some significance.[28]

CONCLUSION

The position towards which I have argued in this essay is that the association between rhetoric and sociopolitical legitimacy is both intimate and recursive: Sociopolitical legitimacy exists as a result of a rhetorical process, and in turn functions as a rhetoric of social control. Admittedly, my claims in the preceding pages have been highly speculative. But if the position which I have argued can be sustained, and obviously I believe that it can be, it represents a significant divergence from the dominant conceptions of the problem of legitimacy in contemporary society as either (1) the attempt to locate "rationally" justifiable social structures according to some ideal standard, or (2) merely to achieve authorization for the use of power.[29] Instead, I have suggested that the real problem of legitimacy is the need to develop an argumentative rationale for human action which is carefully consistent with the shared principles of a consensually constituted society, but simultaneously is flexible enough to allow *both* the leaders and the members of a society to adapt actively to the exigencies of the social and political world. Thus, I believe that we will begin to understand the problem of legitimacy more fully only once we recognize its rhetorical dimensions and begin to examine it from within an interpretive framework.

FOOTNOTES

[1] "Legitimate," "Legitimation," and "Legitimacy" in *The Oxford English Dictionary*, 1971; and "Legitimation," in *Black's Law Dictionary*, 1976.

[2] William Blackstone, *Commentaries on The Laws of England* (1765; rpt, Chicago: University of Chicago Press, 1979), I, pp. 343-78; and Sir Fredrick Pollock and Fredric W. Maitland, *The History of English Law* (Cambridge: Cambridge University Press, 1968), II, pp. 375-84 and 396-99.

[3] See Max Weber, *Economy and Society*, ed. Guenther Roth and Claus Wittich, (Berkeley: University of California Press, 1978), I, pp. 212-41; Talcott Parsons, *The Social System* (New York: Free Press, 1951), pp. 348-59; Guglielmo Ferrero, *The Principles of Power*, trans. T.R. Jaeckel, (New York: Putnam and Sons, 1942), pp. 131-319; Carl Friedrich, *Man and His Government: An Empirical Theory of Politics* (New York: McGraw Hill Co., 1963), pp. 232-46; J.G. Merquior, *Rousseau and Weber: Two Studies in The Theory of Legitimacy* (London: Routledge and Kegan Paul, 1980), pp. 1-11; David Easton, *Systems Analysis of Political Life* (New York: John Wiley and Sons, 1965), pp. 278-340; and Tedd Robert Gurr, *Why Men Rebel* (Princeton: Princeton University Press, 1970), pp. 183-92.

[4] See Reinhard Bendix, *Nation-Building and Citizenship* (New York: John Wiley and Sons, 1964), pp. 1-29; Niklaus Luhmann, *Trust and Power*, trans. Howard Davis, et. al, (New York: John Wiley and Sons, 1979), pp. 10-17, and 24-31; and Jürgen Habermas, *Legitimation Crisis* , trans. Thomas McCarthy, (Boston: Beacon Press, 1973), pp. 95-144; and *Idem.*, "Legitimation Problems in the Modern State," in *Communication and the Evolution of Society*, trans. Thomas McCarthy, (Boston: Beacon Press, 1976), pp. 178-206. Cf. Claus Mueller, *The Politics of Communication: A Study in The Political Socialization of Language, Socialization and Legitimation* (London: Oxford University Press, 1973.

[5] In using the term "rhetoric" I intend to refer to *the phenomenon of a speaker striving to influence and control the the beliefs, opinions and/or behaviors of an audience through the calculated use of symbols, dominated by, but certainly not limited to, the articulation of "reasons" in defense of claims to facts, values and/or policies*. My purpose here is decidedly *not* to provide a comprehensive definition of all rhetorical phenomena, but rather to focus attention on the "reason-giving" dimension of symbolic behavior as it generally occurs in the broad realm of socio-political behavior. Neither is it my intention to place any formalistic strictures on the

nature of "reason-giving" behavior. The definition is intentionally open to both formal/explicit and informal/implicit systems of "logic" or "fields or argument," so long as they can be evidenced in actual social and political discourse. This definition is derived from and builds upon the following: Aristotle, *Rhetoric*, trans. W. Rhys. Roberts, (New York: The Modern Library, 1954); Lloyd F. Bitzer, "The Rhetorical Situation," *Philosophy and Rhetoric*, 1 (1968), 1-14; Donald C. Bryant, "Rhetoric: Its Function and Scope," *The Quarterly Journal of Speech*, 39 (December 1953), 401-24; and *Idem*., "Rhetoric: Its Function and Scope *Rediva*," in *Rhetorical Dimensions in Criticism* (Baton Rouge, La.: Louisiana State University Press, 1973), pp. 3-23; Rosalind Coward and John Ellis, *Language and Materialism* (London: Routledge and Kegan Paul, 1977), pp. 122-52; Umberto Eco, *A Theory of Semiotics* (Bloomington, Ind.: Indiana University Press, 1976), pp. 3-42 and 174-88; Michael Calvin McGee, "The Fall of Wellington: A Case Study of the Relationship Between Theory, Practice and Rhetoric," *The Quarterly Journal of Speech*, 63 (February 1977), 28-42; and *Idem*., "A Materialist's Conception of Rhetoric," in the Forthcoming Festschrift for Professor Douglas Ehninger edited by Michael Osborn and Ray E. McKerrow; Paul Ricoeur, *Interpretation Theory: Discourse and the Surplus of Meaning* (Fort Worth, Texas: TCU Press, 1976), pp. 1-22 and 71-80; and Karl Wallace, "The Substance of Rhetoric: Good Reasons," *The Quarterly Journal of Speech*, 49 (October 1963), 239-49.

[6] A critique of the failure to examine the relationship between rhetoric and socio-political legitimacy appears in the first chapter of my dissertation, "The Rhetorical Dimensions of Legitimation: Flexibility and Consistency in the Social Reality of Eighteenth Century Whiggism," The University of Iowa. (As yet uncompleted.)

[7] See C.G. Allen, ed., *Rulers and Governments of The World* (London: Bowker, 1977), I; and Sir Harold Nicolson, *Kings, Crowns and Monarchies* (New York: Simon and Schuster, 1962).

[8] Reinhard Bendix, *Kings or People: Power and The Mandate to Rule* (Berkeley: University of California Press, 1978), pp. 7-10.

[9] See J.M. Wallace-Hadrill, *The Long-Haired Kings* (London: Metheun, 1962), pp. 35-6; and Fritz Kern, *Kingship and Law in The Middle Ages* (New York: Harper and Row, 1970).

[10] See Arthur Hocart, *Kings and Councillors: An Essay In The Comparative Anatomy of Human Society* (Chicago: University of Chicago Press, 1970).

[11] Bendix, *Kings or People*, pp. 247-321.

[12] King James I, Speech At Whitehall, March 21, 1609.

[13] See "The Bill of Rights, 1689," in *Crown and Parliament in Tudor-Stuart England*, ed. Paul L. Hughes and Robert Fries, (New York: G.P. Putnam's Sons, 1959), pp. 311-14; and John Locke, *The Second Treatise on Civil Government* (Indianapolis: Bobbs-Merrill Co., Inc., 1952).

[14] Cf. Ronald Rogowski, *Rational Legitimacy: A Theory of Political Support* (Princeton: Princeton University Press, 1974), pp. 3-33; and John Schaar, "Legitimacy in the Modern State," in *Power and Community: Dissenting Essays in Political*, ed. P. Green and Sanford Levinson, (New York: Pantheon Books, 1969), pp. 276-327.

[15] Weber, *Economy and Society*.

[16] This situation seems gradually to be changing in recent years, although no dominant theoretical paradigm has emerged. See W. Lance Bennet, "Political Sanctification: The Civil Religion and American Politics," *Social Science Information*, 14 (1975), 79-103; Thomas B. Farrell, "Political Conventions as Legitimation Rituals," *Communication Monographs*, 45 (1978), 268-80; Bruce E. Gronbeck, "The Rhetoric of Political Corruption: Sociolinguistic, Dialectical and Ceremonial Processes," *The Quarterly Journal of Speech*, 64 (1978), 155-72; Michael Calvin McGee, "The Ideograph: A Link Between Rhetoric and Ideology," *The Quarterly Journal of Speech*, 66 (1980), 1-16; and Judith S. Trent, "Presidential Surfacing: The Ritualistic and Crucial First Act," *Communication Monographs*, 45 (1978), 381-92.

[17] Habermas, "Legitimation Problems," p. 178.

[18] Habermas, *Legitimation Crisis*, p. 105.

[19] Habermas, "Legitimation Problems," p. 178-80.

[20] See Jürgen Habermas, "Technology and Science as Ideology," in *Toward A Rational Society: Student Protest Science and Politics*, (Boston: Beacon Press, 1968), pp. 81-122; and Anthony Giddens, *Central Problems in Social Theory: Action, Structure and Contradiction in Social Analysis* (Berkeley: University of California Press, 1979), pp. 174-78.

[21] Habermas, "What is Universal Pragmatics?" in *Communication and the Evolution of Society*, p. 1.

[22] Habermas, "What is Universal Pragmatics?" in *Communication and the Evolution of Society*, pp. 1068.

[23] I should not be taken to mean that social, political and economic structures are irrelevant to the problem of legitimacy. Certainly, public advocates and leaders are prisoners of the systems in which they perform, and as such they tend to be constrained by all manner of cultural and political proprieties. However, there seems to me to be a very strong sense in which the members of a community experience the use of power, not in terms of these structural or systemic constraints, but in the particular embodiment of the individuals who wield the power: Although the structure of the American political system of the 1960's and 1970's might have been responsible for promoting the kinds of behavior in which Nixon participated, it was Richard Nixon himself that the American people considered to be a tyrant and hence, illegitimate, and decidedly *not* the American political system.

[24] See Michael Walzer, *The Revolution of the Saints* (New York: Atheneum, 1970); and Christopher Hill, *The Century of Revolution, 1603-1714* (New York: W.W. Norton, 1966), and *Idem.*, *The World Turned Upside Down* (Harmondsworth, Middlesex: Penquin Books, 1962).

[25] Luhmann, *Trust and Power*, p. 20.

[26] *Ibid.*, p. 34.

[27] See McGee, "The Ideograph," p. 11.

[28] Luhmann, *Trust and Power*, p. 35.

[29] See Merquior, *Rousseau and Weber: Two Studies in The Theory of Legitimacy*; Schaar, "Legitimacy in the Modern State"; and William Connolly, "The Dillema of Legitimacy," presented at the Conference on Political Theory at The University of Iowa, November 1980.

RHETORIC AS SOURCE OF LEGITIMACY: THE NATION-STATE AND THE MYTH OF QUEBEC NATIONAL IDENTITY

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In 1967, the year of Canada's centennial, a new political association was formed in that country's Province of Quebec. That organization, the *Movement Souveraineté-Association*, proclaimed the existence of an essence uniting social actors in Quebec.(1) In French, this association declared "We are Québécois"(2) and called for Quebec's independence from Canada. This declaration demonstrates the entry of the term "Québécois" into the mainstream of Quebec political discourse. Until that time, members of the French-speaking society of Quebec were generally termed "Canadiens français," "French Canadians." Now a new political national identity was born; an identity which lies at the base of arguments for a sovereign Quebec state.

The political significance of Québécois as a national identity has not been lost to those engaged in political discourse in Quebec and Canada. In his polemical history of Quebec-Ottawa constitutional disputes from 1960 to 1972, Claude Morin distinguishes this new Quebec collectivity from its predecessor, French-Canada, as he identifies the perspective of the Quebec government.

> Like many other peoples, Quebeckers have experienced an awakening of self-consciousness. They want to assert themselves, not as French-speaking Canadians, but as Québécois, citizens who, for the moment, suffer the want of a country that is their own.(3)

In Morin's view, not only are those in Quebec *Québécois*, but they constitute a people. William Shaw and Lionel Albert, two Quebec anglophones arguing against the territorial claims a sovereign Quebec would make, conversely claim no Quebec people exists, that the term "Québécois" properly only applies to residents of the City of Quebec, and that the term as used by Quebec political nationalists constitutes a "semantic fraud." Their argument stems from the assertion that "peoples" exist objectively and do not legitimately arise in history out of a will to collectivity. While their argument is a component of a political polemic which attempts to dismiss claims of Quebec nationalists on the basis of an *a priori* definition of what peoples really are, they demonstrate an insight into the rhetorical power of the term "Québécois:"

> Separatists measure the degree of their penetration of the public consciousness by the extent to which a people are willing to call themselves *Québécois*. The more they can

> persuade the French-Canadians in Quebec to call themselves Québécois, the easier the task of insinuating the idea that those French-Canadians who happen to live in eastern or northern Ontario or in nothern New Brunswick are somehow "different" from those living in Quebec. Once that idea has been established, then the idea of Quebec's borders, which are criss-crossed daily by tens of thousands of French-Canadians, could somehow be thought of, not as casual signposts along the highway, but as a full-fledged international boundary, can also be established.(4)

If the term "Québécois" can arouse controversy and possibly grant legitimacy to the claims of those favoring Quebec independence, the term must, in its usage in day-to-day political life, have a particular meaning, a particular set of connotations, which places it in a class quite distinct from the term "Iowan." Contrary to Shaw and Albert's argument, there is nothing inherent to the term "Québecois" considered exclusive from history and human practice which permits the formulation of claims for independence. That the term "Iowan" exists such that Iowans use it to indicate their uniqueness from other Americans does not imply that the claim "Iowa libre" is a possibility. In Quebec, not only is the expression "Québec libre" a commonplace, but those arguing for political independence, organized into the Parti Québécois, gained control of Quebec's legislature, the National Assembly, in 1976. As such, the manner is which "Québécois" signifies matters. For that term enters into the political rhetoric which sets the legitimate boundaries for the state and which regulates the stuggle for political power between Quebec City and Ottawa.

The major argument presented by the Parti Québécois has an apparent simplicity. In syllogistic form, the empirical existence of a Quebec people as a fact of history is asserted. Also asserted is that peoples have an inalienable right to self-determination, to sovereignty, which they must exercise to attain their liberty. These premises then lead inexorably to the conclusion that Quebec has a duty to realize its right to political independence.

In this argument, independentists deny that a Canadian people which includes Quebec exists. Implicitly and explicitly, there is a denial of the legitimacy of the current political order. They attack the very basis for the existence of a Canadian political state. In Habermas' terminology, such arguments contest the validity claims of political communication; they call the usual presumptions of political communication into doubt.(5) To the degree the rhetoric elaborating this argument is persuasive, Ottawa's ability to place demands on the Quebec population and the Government of Quebec is undermined. Quebec governments, without risking the alienation of their voters, can disrupt federal programs requiring provincial acceptance or cooperation.(6)

In some sense, the argument for Quebec sovereignty I have sketched is based on premises which seem self-evident and hardly remarkable. Both English and French-speaking Canada participate in a system of political discourse largely inherited from Britain and influenced by the United

States in which the right of the people to control their government is a given. Taken seperately, the claim that a Quebec people exists can also be regarded as patently obvious: A populace in Quebec distinguished from the rest of Canada by language, religion, and ethnic origin certainly exists. Those in that population, electors of a provinical government, are undeniably denoted by the term "Québécois," for they are residents of Quebec. Nevertheless, while the premises of this argument can in some cases be regarded as self-evidently true, the conclusion they lead to is controversial. While many would assert that Quebec should be sovereign, many would not.

What the language of this argument dissimulates is that the signification of terms shifts in discourse. While the assertion that a Quebec people exists is a statement of fact which is true if "people" denotes(7) a relatively homogenous population, the assertion that peoples have political rights is a statement of value which gains force in particular instances only to the degree that we define a particular people, such as a Quebec people, as being the type of people that has rights. In other words, the argument will only be persuasive if the meaning of "people" in the former premise is the same as in the latter premise. In that case, the assertion that a Quebec people exists becomes a statement of value, because "people" acquires a value-laden signification. Such an assertion concerns meanings rather than an empirical state of affairs and cannot be judged "true" or "false" except to the degree Québécois are willing to act on the basis of it.

As existing in the discourse of the Parti Québécois, the term "Québécois" presumes the existence of the type of people that requires sovereignty. As used by proponents of Confederation, the term signifies only the accident of ancestry and residency which warrants at most a strong provincial government to safeguard particular jurisdictions from federal encroachement or mismanagememt.(8) Only the former type of "Québécois" requires a seperate state as a condition for liberty. As such, the struggle for Quebec independence is not a struggle to establish some new political principle which will legitimate new relations of power within a society. The struggle is over the meaning of terms which will define the participants in the power relationships of the nation-state. Hence, the rhetoric legitimating a new Quebec state would be one creating and strengthening a new social meaning for "people."

In 1979, the Executive Council of the Government of Quebec published a policy statement, a "White Paper," articulating the reasons for that government's support for a sovereign Quebec state. The White Paper also called upon the population to vote "YES" in the forthcoming referendum.(9) That document presents in detail the argument I have sketched above and also argues that a sovereign Quebec is economically and politically realizable.

The White Paper addresses the voters of Quebec as "Québécois." They share that identity in that the term denotes the empirical fact of residency. Such a denotative meaning cannot, however, warrant challenges to a particular order. As a denotative term, "Québécois" has no power. But the White Paper also constructs a set of connotations to the term. Those denoted by "Quebecois" are linked to a people in eighteenth-century New France pre-dating the conquest of Canada by Britain in 1760. As such, in the White Paper's discourse, a "Québécois people" not only signifies the aggregate of those living today within Quebec, but also signifies an object with a unity through over two centuries of human history. Such a people transcends the individuals through which it is manifest and cannot be free and mature without a state of its own.

As I will argue in this essay, meanings for "Québécois" and "people" are constructed in a mythic discourse.(10) Since such meanings would redefine the identity of the White Paper's audience cannot be offered in an explicit argument. Such an argument would undermine the premise by which the White Paper can address the Quebec population. Rather, the rhetoric is imbedded in a myth which permits contradictory significations for "Québécois" and "people" to co-exist. In this myth, the present is idealized through a narrative which configures the past from a particular perspective. An exegetic reading of the past is offered as a demonstration of the "objective truth" of what being Québécois means. What "Québécois" means through this discourse is a member of a people in the political sense. The document offers a set of meanings through which a people can emerge and which could form the basis for the constitution of a new state.

The Myth of the Quebec People Through History

Society is a fact, but only in the sense that humans act in concert through a system of social relations including shared meanings and values. Society is not a fixed thing but exists only as a process in constant flux as men and women are born, act, rework language through their discourse, and die. In the White Paper, such a society is also represented as a people which transcends the individials it exists through. This people is granted an objective existence and life akin to that of individuals.

> Peoples, like individuals, have their own specific spirit and evolve under specific conditions; that is why they do not all achieve control of their own destiny by the same path. But history shows that though the steps taken may vary, they all come as a result of a collective awareness, a determination to be faithful, a desire to be open to the rest of the world.(11)

This discourse asserts that "peoples" have a destiny they can control. As such, the Quebec people is represented as a subject existing in history who lives and can act. That people exists within a history which has destiny as its telos. "People" as a signifier of the empirical fact of society in the present becomes an ideal. For that ideal, individuals are called upon to enter into a teleological historical movement which demands collectivization in the present based on a faithfulness to the past and an openess to a future the people will construct.

The movement of such a history towards its telos serves to demonstrate the "truth," the "objective" meaning of terms such as "Québécois," "people," and "history." These terms are part of an ideological language, in that their usage in the White Paper presumes a set of constraints on the individual. These ideological terms, which McGee terms "ideographs,"(12) are revealed as real in the account the White Paper offers; for the "destiny" that the White Paper reveals is the product of the force of the "truth" "history" shows.

Of course, today is always yesterday's destiny. However, the destiny in this discourse has a transcendent quality such that it is elevated beyond historical accident. History is portrayed as moving in a direction with "peoples" as a motive force. The meaning of such a history is that peoples must attain self-realization and master their history.

> For the study of our path will show us,--if necessary,--that the path taken by Québécois, no matter how original it is, exists under the major laws that have presided, though the ages, at the accession of peoples to national sovereignty.(13)

A history is attributed to those in the present: the expression "our past" projects those living today, as a people, onto a past which forms the basis of the need for a new praxis.

The White Paper asserts that Québécois have an essence instantiated by the path they have taken through history. The document renders concrete a particular vision of Quebec through a historical account. The presumption that a people exists forms the basis for an interpretation of past events as constituting the history of a people. That account reveals and characterizes the "people," tautologically proving such a people exists. Furtheremore, such a people is presented as a constant over time. The unity of a people through history is connoted by the term "Québécois" as signifier of both eighteenth-century settlers who termed themselves Canadiens and those living today.

> Our ancestors put down their roots in American soil at the beginning of the 17th century, at the time the first English settlers were landing on the east coast of the United States. As they were clearing the land of the St. Lawrence valley, they explored the vast continent in all directions, from the Atlantic to the Rocky Mountains, and from Hudson Bay to the Gulf of Mexico. Through discovering, claiming, and occupying the land, Québécois came to consider themselves North-Americans.
>
> In 1760, our community was already an established society along the St. Laurence. North-American by geography, French by language, culture, and politics, this society had a soul, a way of life, traditions, that were its very own. Its struggles, its successes, and its ordeals had given it an awareness of its collective destiny, and it was with some impatience that it tolerared the colonial tie.(14)

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This discourse situates the people "objectively." Ancestry is offered as the concrete link between the French settlers of North America, those now in Quebec, and a collectivity. That collectivity, based on a shared origin, was metamorphasized through action. Those former citizens of France became North Americans as they confronted the land. Hence, even as subjects to the French Crown, these ancestors and the community they established became objectively independent. That community is then cast as belonging to the descendants of its founders through the possessive article "our." Time is collapsed and today's resident of Quebec has a right to a territory because members of his or her community have discovered, claimed, and occupied the land. This discourse reworks the meaning of "community" so that the term does not only signify the aggregate of concrete actions by individuals living at particular moments in history. "Community" connotes some underlying unity of social actors across history.

A Quebec people possessing an essence is thus defined. The accidents of birth and history are granted a significance which provides Quebec with a constancy through over two centuries. The people has a soul arising out of the experience of the land, of North America, through the symbolic frame of the French language. With a soul, the people also has a consciousness and a will. The people is hence not restricted to passively enduring history. Acting under the laws of history, the people can determine itself and shape the future. The will of this people finds its material manifestation in action, in the affirmation by individuals of their membership in the people and their commitment to collectivity. The presumption of a people's will provides a perspective for interpreting individual acts. Tautologically, such affirmations by individuals are then presented as evidence of the existence of the people's will.

> The Will to Survive
> Sooner or later, this society would have shaken off the colonial yoke and acquired its independence, as was the case, in 1776, for the United States of America. But in 1763 the hazards of war placed it under British control. (. . .)
>
> Faced with this defeat, francophones spontaneously chose to be faithful. There could be no question of passing over to the winners camp to reap the benefits that awaited them. They would adapt to the new situation, come to terms with the new masters, but above all preserve the essential of that which characterized our people: its language, its custons, its religion. At all costs, they would survive.(15)

The "people" is historically defined by its language, customs, and religion, factors which permitted the "people" to retain a distinct and essential identity and so live. This passage grants a character to the people as a people. The collectivity is presented as having greater worth than any material benefits awaiting those who would deny the elements of collective life and hence the people itself.

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Furthermore, today's Québécois are members of the same people as those conquered by British armies in 1760. The Québécois of today belong to that people by definition. For the criteria for membership in the "people" are located outside the sphere of individual action or choice. Membership is a product of circumstance. Collectivity arises from shared origins: from the shared language and faith of a community existing over two centuries ago.

The Myth of the Quebec People through Action

The terms "language," "customs," and "religion" are defined as the raison d'ètre, in praxis, for a Quebec people's continued existence. In addition, struggles to preserve a set of linguistic, traditional, and religious practices become an instantiation of the larger struggle for a Quebec people. An interpretation of what membership in the people means in terms of action is provided.

The "people," as an ideal is offered as motive for a specific type of practice, of struggle. However, ideals, in and of themselves, warrant no particular practices. As ideological terms, they are equivocal: History has seen wars fought in the name of "peace" and prisons filled in the name of "liberty." In Canada, both federalists and independentists assert themselves Québécois and argue in the name of the people. Ideological principles can be cited to support mutually exclusive political positions or sets of actions. Ideals, ideological principles, only acquire force as they are interpreted in terms of practices, as they are reduced to the world of the concrete. Such a reduction is offered here. Only one viable alternative is offered for the people: a struggle to survive through the preservation of language, customs, and faith. Exactly what "survive" means is left unspecified. Consequently, the term links the survival of individuals to that of the collectivity itself. The survival of one is linked to the other.

The historical narrative presents the history of the people as a history of struggle. Each episode of the stuggle in response to a threat to some social institution grants substance to the illusion of a people existing objectively. For such institutions, objectively manifested in human history, can be represented as the trace of a "people." The parish, family, and schools are not only products of particular societies existing at particular moments in history, but are the property of the people and its means for survival. The will of the "people" is so granted concrete form.

The introduction of a popular assembly by Britain(16) provided a new locus for the struggle of the "people." The "will" of the "people" can be represented as the discourse of the assembly which is frustrated by London's representative. The White Paper presents protagonists and antagonists in a dramatic struggle. Reconciliation or compromise is excluded from possibility as the antithetical nature of the opposition is amplified.

> The Parliament of Lower Canada, where the language used was French, proposed laws and a budget that were submitted for approval to the Governor, who exercised executive power on behalf of London. The people's will was often blocked by the veto of the Governor, particularly sensitive to the interests of the English minority of Lower Canada and those of the imperial power. The consequent tension was leading, by 1830, to exasperation. The representatives drew up a set of resolutions in which they expressed their demands: control by the Assembly of taxes and spending, and the adoption of urgent social and economic measures. The Governor refused and dissolved the House. In the elections that followed, the *Patriotes*, headed by Papineau, won 77 out of 88 seats with 90% of the vote. To the same demands, the Governor responded by dissolving the House once again.(17)

This narrative, a myth of a people's existence and struggle for survival, has a synchronic structure,(18) a constantly recurring pattern, of threat countered by resistance, followed by survival and the return anew of threat. The *Québécois* of this narrative are located within a historic struggle, a drama, of survival. But because the *Québécois* of this tale are identified with those living in Quebec today, this narrative provides the means for today's social actors in Quebec to enter into a collective consciousness. This myth provides today's *Québécois* not only with a story as an object of experience but also with an interpretation of social reality, a mode of experiencing the social world in dramatic terms. With each scene, the struggle is recounted on a terrain more like the present, in terms more relevant to the life of those the document addresses. The drama of history becomes the drama of contemporary reality: the material traces of the people's essence shifts. The battle for survival becomes a parliamentary battle. The people is now manifest in the practices of the institution of representative government. The Church and mother tongue are no longer at stake; the power of the state is. The will of the people is to control the machinery of state. As such, the myth giving meaning to "people" inserts the idealized struggle between irreconcilable opponents into a spiralling interpretation of history which would terminate with the 1980 referendum.

The Myth of the Quebec People through the State

The synchronic structure of this dramatic narrative is located within a diachrony towards emancipation. If the root cause of the people's struggle is the natural impossibility of the people to exist without self-determination, control of the machinery of state becomes the point of resolution of a drama which began while "Québécois" were still under the rule of a French king. For the power of the state permits the regulation, as much as is possible, of the material conditions of life. The narrative offers an endpoint which must be reached. For this collectivity, survival is the ultimate imperative. The White Paper allows for no alternative to stuggle except annhiliation. The recounting of the 1837 uprising of the *Patriotes* and their defeat makes clear the struggle is for life itself:

> After their lone victory at Saint-Denis, the *Patriotes* were crushed at Saint-Charles and at Saint-Eustache. The repression was cruel: hundreds of *Patriotes* were emprisoned and twelve were hanged; here and there, farms were ablaze.(19)

Within the context of contemporary attempts to secure Quebec's independence, this narrative of the people offers a myth which interprets history as a *praxis* towards political emancipation. The historical account of the White Paper is decidedly presentist, for a society of the seventeenth century is identified with a society today: The seventeenth century colonists who referred to themselves as "Canadiens" are termed "Québécois", past struggles are presented as warranting action in the present. The particular issues over which nineteenth century parliamentarians struggled are rendered in ideological terms which are then applied to current battles between Quebec and Ottawa. The narrative form of the myth provides a continuity across time in which the practices of the past increasingly are projected onto the present day order.

> At the constitutional conferences of 1864 and 1866, the Quebec delegates and those from the other provinces were pursuing very different goals. Upper Canada in particular wanted a supraprovincial parliament, endowed with as many and as important powers as possible, which would have presided over the fates of the new country; Quebec, on the other hand, wanted to grant itself a responsable government, enjoying a large degree of autonomy, that would guarantee once and for all the existence and progress of the Quebec people--and which would have been its real government. This opposition between a centralized federalism and a decentralized confederation was already making itself felt.
>
> The first idea finally won out. Granted, *Québécois* acquired an autonomous responsable government, but with its autonomy limited to jurisdictions seen then of being primarily of local interest.(20)

A Quebec people is represented as preceding a Canadian state. As such, Confederation, like the Conquest, the defeat of the *Patriotes*, and the unification in 1840 of the predominantly English-speaking colony of Upper Canada with the predominantly French-speaking colony of Lower Canada disrupts the movement of the people towards the "natural" ideal of their own constitution, responsible government, and a state. The implicit presumption that political structures should provide a means for the articulation and execution of a people's aspirations, as connoted by the term "people" itself, is set in opposition to this account of Canada's formation. The government in Ottawa is not a *real* government. Ottawa's power is represented as illegitimate. The Quebec people are frustrated, denied progress and existence itself. The diachronic movement of this myth towards the people's emancipation is once again jarred by the myth's synchronic structure of conquest and resistance. In this myth, synchrony are diachrony are apparent antitheses. Continuous movement towards emancipation, the point at which the struggle ends, is opposed by a cycle of conquest and survival. Diachronic movement forward is frustrated by the synchronic cycle.

Therefore, the Government of Canada does not arise from the Quebec people and hence disrupts the teleological flow of history which the narrative form provides. Canada is an antagonist in this life-drama of a people. As such, Canada must be overcome so that the tensions in the mythic drama and in history be resolved. The "natural" principle that peoples attain control of their future is denied because Ottawa will preside over destiny. Within the context of the "repression" of the Patriotes, this new order does not arise from the people but from external constraints. Confederation is but another manifestation of the conquest to which, in this account, the people never assented: Québécois never acquiesce, but always struggle within the constraints of the possible. The change heralded by Confederation was but a small gain within a British system. Confederation is not the end of the struggle, only a new battleground. On this terrain, the people is threatened by a political reality which denies the people's being.

The narrative denies the view of Confederation as a "partnership between two founding races" as expressed in the terms of reference of the 1963 federal Royal Commission on on Bilingualism and Biculturalism.(21) Confederation is not presented as a synthesis but as a further conquest.

> Under the terms of the B. N. A. Act, Quebec is not the homeland of a nation, but a simple province among four, than five, then ten; a province like the others, with no more rights or powers than the smallest of them. Nowhere in the B. N. A. Act is it a matter of an alliance between two founding peoples, or of a pact between two nations; it is a matter, on the contrary, of a territorial and political unity and of a national government which, in essential matters, imposes its orientation on the regional governments. The English provinces know the score since, despite regional differences, they have always considered the central government to be the "senior government," the one that takes precedence, in the heart as well as the mind, and to which one must owe a full allegiance. It seems certain that in 1867 Canadian anglophones considered the B. N. A. Act to simply be a British law and not a pact between two nations.(22)

Canada is presented as an attempted negation of the truth that a Quebec people exists. There exists, of course, no criteria for evaluating the truth-value of this claim that the White Paper presents. For in the case where "people" signifies an organic being living under the laws of history, a Quebec people cannot exist objectively. Such a people can only exist intersubjectively, as Québécois assert such a meaning to the term "people" and to their identity. To the degree Québécois accept such meanings, the Canadian constitution would be illegitimate in practice. For it would violate the ideological principle that states exist by and for peoples. If Québécois considered their people to be no more substantial than an Iowa people, the claim the White Paper presents would be false. However, the White Paper allows for no such outcome, for the people is not presented as existing and acquiring a form in human intersubjectivity. The Quebec people, and peoples generally, are presented as existing objectively and transcendentally, outside of any act of participation in a particular national identity by individual social actors. The White Paper presents as true and natural under the laws of history a particular interpretation of what the Quebec people is, of what "people" signifies.

The White Paper then offers evidence that Canada has provided no respite from the need to struggle: the struggle for survival is brought into the present. The current constitution is represented as forming the basis for the continued subjugation of Québécois.

> The institution of the Canadian federal regime thus sanctioned, and favored as well, the hegemony of a Canada become English. It is quite natural that in such a regime the interests and aspirations of Québécois and Francophones in other provinces should take second place.
>
> In 1885, for example, all Quebec took the side of Louis Riel, who was fighting for the survival of francophone communities in the West; On the other hand, the federal government fought him and Louis Riel died on the scaffold.(23)

Any possibility that Confederation safeguarded the French language and Quebec collectivity from assimilation by an English-speaking American republic is denied. The will of the people, as instantiated in historical practice, is shown undermined in the federal regime. The White Paper describes various defeats of the people's will in Confederation: Louis Riel fought for "survival" and climbed the scaffold; rights to French language schools systems outside Quebec were denied; Québécois were forced to participate in British wars.(24) The accounts are tragic; the Quebec people along with other Canadian francophones are represented as without control of their circumstance. The presumption that a Quebec people exists permits conflicts between those in Quebec and the rest of Canada to be represented as conflicts between the wills of peoples.

In this discourse, in no sense does Quebec merely constitute a regional or ethnic minority with special interests while still part of a Canadian people. As such, that the power of the state exercised in Quebec is not fully controlled by Québécois is not the legitimate by-product of majority rule which must be accepted. Ottawa's power does not manifest but contradicts democratic government by the people because the Canadian Confederation institutionalizes the rule of one people over another. Such conflicts thus become "proof" that a Quebec people exists and must be sovereign, for only within Quebec's borders can this people survive. In this account, English Canada will not recognize the rights history and nature have conferred on the Quebec people, most notably the right to life. The text, explicating the relationship the historical narrative presents, asserts:

> Though some federal laws belatedly attempted to encourage bilingualism in central institutions, these examples demonstrate that francophones were never considered, in Canada, to constitute a society, with its own history, culture, and aspirations. They constituted at most an important linguistic minority with no collective rights nor particular powers, and fated, as was thought for a long time in English Canada, to melt into the Canadian whole.(25)

Conclusion

The first chapter of the White Paper, entitled "Je me Souviens," "I Remember" or "Lest we Forget," presents a constitutive myth, a discourse which defines and constitutes a people. That people is constituted in the apparent objectivity of history, in an interpretation of past events. The people exists in common struggles: the struggle of colonization, the struggle to retain essential institutions, and the struggle against British oppression. As such, the people's unity is defined by a boundary external to that people, by the people's antagonist. Membership in the people exists outside of human subjectivity and choice. Such a past is then projected onto the present through the continuity of the form of the historical narrative, with an endpoint providing a telos for that which came before. This discoure constructs a meaning of "Québécois" which demands a praxis.

"Québécois," as designator of one who resides in Quebec, acquires a set of connotations which arise from an experience of history from a particular dramaturgical perspective. As a stricty denotative identity, "Québécois" would have no value and could not mediate social power. As presented in the White Paper, the identity is valorized. "Québécois" is offered as a form of life which must survive. In the first chapter of the White Paper, the term connotes a frustrated collectivity struggling to maintain its essence and assert its will. The myth locates the identity "Québécois" in history such that as one acknowledges being a Québécois one must accept a self-definition embodying a frustration, a negation, which survival demands be transcended.

The narrative of the White Paper offers a perspective on history to Québécois such that they must act to be faithful to a historical truth. The myth also reworks language. "History," "people," and the national identity "Québécois" are granted meanings such that they can operate in a rhetoric rejecting the validity of the legitimacy of Canada. These terms are granted sets of connotations which transform them into elements of an ideological language. So transformed, they permit claims to be both denotatively factual and connotatively normative at the same time: they permit the imbedding of normative claims within statements of fact. Consequently, such ideological arguments are essentially analytic,(26) they elaborate the consequences of the normative meanings presupposed by their language as ideologically reworked. To the degree one assumes language has an objective meaning, such arguments appear grounded in an objectivity independent of political commitment. This pseudo-grounding of arguments in objectivity grants them power. They appear to validly link the world of "is" to the world of "ought." As such, the mythically constituted national identity "Québécois" is a source of power: To accept the identity as configured in this discourse is to grant the premises of an argument making claims on the actions of those to whom it is addressed.

NOTES

1. The founding of the MSA by former Provincial Liberal cabinet minister René Levesque and the transformation of that association into the Parti Québécois is outlined in John Saywell, The Rise of the Parti Québécois: 1967-1976 (Toronto: The University of Toronto Press, 1977), pp. 9-22.

2. "Nous sommes Québécois." Mouvement Souveraineté-Association, Programme 1967, in Daniel Latouche and Diane Poliquin-Bourassa, eds., Le manuel de la parole: Manifestes québécois, vol. 3 (Sillery, Quebec: Éditions du boréal express, 1978), p. 97. The primary language of Quebec public discourse is French. As such, political life proceeds through a French system of meanings. To be true to the political consciousness of that society, this essay is based on the analysis of French primary texts. For the reader's convenience, I have included these texts in translation in the main body of this essay. The original texts, the basis for this analysis, are included in the notes.

3. Claude Morin, Quebec versus Ottawa, trans. Richard Howard (Toronto: University of Toronto Press, 1976), p. 5.

4. William F. Shaw and Lionel Albert, Partition (Montreal: Thornhill Publishing, 1980), p. 142-144.

5. Habermas argues that human communication presumes a set of agreements as to the validity of the communicative process. He terms such implicit agreements "validity claims" and asserts they are contestable. See, Jurgen Habermas, Communication and the Evolution of Society, trans. Thomas McCarthy (Boston: Beacon Press, 1979), pp. 1-5. In treating legitimacy, Habermas, pp. 178-183, asserts legitimacy claims are contestable as well. Within the context of political communication, the the latter claims resemble the former. Both must granted before social life can proceed.

6. A case in point is Quebec's refusal to institute an across-the-board reduction in retail sales tax in 1968. Ottawa had proposed a national sales tax cut to stimulate the economy and had offered direct grants to the provinces to partly offset lost tax revenues. Quebec asserted such a plan encroached upon a provincial jurisdiction and implemented its own selective tax cut plan, even though consequently it did not qualify for federal funds.

7. Denotation is a concept which lends itself to easy attack. Although I will use the term in this essay, I do not wish to imply that words have real meanings, denoted meanings, which are seperate from inferred connoted meanings. I maintain, as Barthes argues, that a denoted meaning is a type of connotation which presents itself as the true meaning. For a discussion of the distinction between denotation and connotation see, Umberto Eco, A Theory of Semiotics (Bloomington: Indiana University Press, 1979), pp. 54-57. For a critique such a distinction see, Roland

Barthes, S/Z (Paris: Éditions du Seuil, 1970), pp. 14-16.

8. For example, in 1976 the Liberal Party of Quebec proclaimed: "Nous sommes Québécois. Des milliers fieres d'être Canadiens," "We are Québécois. Thousands proud to be Canadians." In Latouche, vol. 3, p. 258.

9. In the May 1980 referendum on "sovereignty-assocation," 84.3% of the eligible voters cast ballots. Of these, 41.8% voted "YES." Among francophones, the vote was slightly higher, and has been estimated at between 46% and 48%. As such, while the referendum was a victory for federalists, the results indicate the arguments for sovereignty are persuasive for a large percentage of the population and are likely to remain a factor in Quebec political life.

10. In anthropology, myth is a narrative form of discourse which accompanies and grants moral or transcendent significance to rituals. See, Lord Raglan, "Myth and Ritual," in Thomas A. Sebeok, ed., Myth: A Symposium (Bloomington: Indiana University Press, 1955), pp. 122-135. I am using the term "myth" in this sense except with respect to political practice rather than to religious practice or ritual. I am also using the term as Barthes does to indicate a form of speech which functions to construct ideological connotations. See, Roland Barthes, Mythologies, trans. Annette Lavers (Frogmore, St. Albans, Herts: Paladin Books, 1973), pp. 130-159.

11. "Les peuples, comme les individus, possèdent un génie propre et évoluent dans des conditions particulières; c'est pourquoi ils ne parviennent pas tous à la maitrise de leur destin par les mêmes voies. Mais l'histoire enseigne que, si les démarches varient, toutes sont néamoins le résultat d'une prise de conscience collective, d'une volonté de fidélité et d'un désir d'ouverture au monde."
Gouvernement du Québec, Conseil Éxecutif, La nouvelle entente Québec-Canada (Quebec: Éditeur officiel, 1979), p. 3. In producing an English translation, I have relied heavily on the simultaneously published English verson of this text: Gouvernemnt du Québec, Conseil Éxecutif, Québec-Canada a New Deal (Quebec: Éditeur officiel, 1979).

12. Michael Calvin McGee, "The Ideograph: A Link between Rhetoric and Ideology," Quarterly Journal of Speech (1980) 66, 1-16.

13. "Or, l'examen de notre passé nous révélera,--s'il est nécessaire,-- que le cheminement des Québécois, malgré tout ce qu'il a d'original, n'échappe pas aux grandes lois qui ont présidé, au cours des âges, à l'accession des peuples à la souveraineté nationale."
Ibid.

14. "Nos ancêtres prirent racine en terre américaine au début du XVIIe siècle, au moment où les premiers colons anglais débarquaient sur

la côte est des États-Unis. Tout en défrichant la vallée du Saint-Laurent, ils explorèrent en tout sens le vaste continent, de l'Atlantique aux Montagnes Rocheuses, et de la Baie d'Hudson au golfe du Mexique. Par la découverte, la prise de possession et l'occupation du sol, les Québécois se définirent progressivement comme des Nord-Américains.

"En 1760, le long du Saint-Laurent, notre communauté formait déjà une société. Nord-américaine par la géographie, française par la culture, la langue et la politique, elle avait une âme, des habitudes de vie, des traditions et des comportements qui lui étaient propres. Ses luttes, ses succès et ses épreuves lui avaient donné conscience, et c'est avec quelque impatience, dès lors, qu'elle supportait le lien colonial."
Ibid.

15. "Le désir de survivre
Tôt ou tard, cette société eût secoué le joug colonial et acquis son idépendance, comme ce fut le cas, en 1776, pour les États-Unis d'Amérique. Mais le sort des armes la plaça, en 1763, sous la tutelle brittanique. Privés de leurs dirigeants, dont un grand nombre avait dû rentrer en France, soumis à de nouveaux maitres parlant une autre langue, écartés des charges publiques par la Proclamation Royale de 1763, nos ancêtres, sans influence comme sans capitaux, et de surcroit régis par le droit anglais virent toute la structure commerciale et industrielle qu'ils avaient édifiée passer graduellement aux mains des marchands anglais.

"Devant cette défaite, les francophones optèrent spontanément pour la fidélité. Point question de se jeter dans le camp du vainqueur pour recueillir les avantages qui les y attendaient. On allait s'adapter à la situation nouvelle, composer avec les nouveaux maitres, mais, surtout, préserver l'essentiel de ce qui caractérisait notre peuple: sa langue, ses coutumes, sa religion. À tout prix, on allait survivre."
La nouvelle entente, pp. 3-4

16. Britain's French-speaking Canadian colony has existed under a number of different constitutions since the Conquest of 1760 and the arrival of a civilian governor and administration in 1763. In 1791, the colony was partitioned into predominantly English-speaking Upper Canada and predominantly French-speaking Lower Canada. Both these colonies were granted elected assemblies. The colonies were united in 1840 subsequent to a stalemate between the Assembly and the Governor and an armed rebellion in Lower Canada in 1837. In 1867, Canada was granted self-government and the federal form of constitution it still has. For a detailed treatment see, Mason Wade, The French Canadians, vol. 1 (New York: St. Martin's Press, 1968), pp. 47-330.

17. "La tension qui en résultait tourna, vers 1830, à l'exaspération. Le Parlement du Bas-Canada, dont la langue d'usage était le français, proposait des lois et un budget, qu'il soumettait à l'approbation du gouverneur, lequel exerçait, au nom de Londres,

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le pouvoir exécutif. Or, la volonté populaire se heurtait souvent au veto du gouverneur, surtout sensible aux intérêts de la minorité anglaise du Bas Canada et à ceux du pouvoir impérial. Les députés rédigèrent une série de résolutions, dans laquelle ils exprimèrent l'ensemble de leurs revendications: contrôle par l'Assemblée des impôts et des dépenses, et adoption de mesures économiques et sociales urgentes. Le gouverneur refusa et renvoya la Chambre. Aux élections suivantes, les patriotes, Papineau en tête, emportaient 77 sièges sur 88 et recueillaient 90% des suffrages. Aux mêmes demandes, le gouverneur répondit par une nouvelle dissolution de la Chambre."
La nouvelle entente, p. 5.

18. The synchronic and diachronic structure of myth is elaborated in, Claude Lévi-Strauss, "The Structural Study of Myth," in Sebeok, pp. 81-106.

19. "Après une victoire sans lendemain à Saint-Denis, les patriotes furent écrasés a Saint-Charles et à Saint-Eustache. La répression fut cruelle: des centaines de patriotes furent emprisonnés et douze furent pendus; un peu partout les fermes brûlèrent."
La nouvelle entente, p. 6.

20. "Aux conférences constitutionelles de 1864 et de 1866, les délégués du Québec et ceux des autres provinces poursuivirent des objectifs bien différents. Le Haut-Canada, en particulier, voulait un parlement supraprovincial, doté de pouvoirs aussi nombreux et importants que possible, qui présidât aux destinées du nouveau pays; le Québec, pour sa part, voulait se donner un gouvernment responsable, jouissant d'une large autonomie, qui garantit une fois pour toutes l'existence et le progrès du peuple québécois,--et qui fût son vrai gouvernement. C'est l'oppositon entre un fédéralisme centralisé et une confédération décentralisée qui, déjà, se faisait sentir.

    "La première conception finit par l'emporter. Certes, les Québécois obtiennent un gouvernemnt responsable et autonome, mais d'une autonomie limitée à des juridictions alors perçues comme étant d'un intérêt plutôt local."
    La nouvelle entente, pp. 7-8.

21. Canada, Royal Commission on Bilingualism and Biculturalism, Bilingualism and Biculturalism: An Abridged Version of the Royal Commission Report, Hugh R. Innis, ed. (Toronto: McClelland and Stewart Limited, 1973), p. 4.

22. "Au termes du British North America Act, le Québec n'est point la patrie d'une nation, mais une simple province, parmi quatre, puis cinq, puis dix; une province comme les autres, sans autres droits ni pouvoirs que la plus petite d'entre elles. Nulle part, dans le B.N.A. Act, il n'est question d'une alliance entre deux peuples fondateurs ou d'un pacte entre deux nations; il est question, au contraire, d'une unité territoriale et politique, et d'un gouvernement national qui, sur l'essentiel, impose leur

orientation aux gouvernements régionaux. Les provinces anglaises ne s'y trompent pas, qui, en dépit des particularismes locaux, ont toujours considéré le gouvernement central comme le "senior government" celui qui prime, pour le coeur comme pour la raison, et auquel on doit d'abord une entière allégeance. Il semble assuré que les anglophones du Canada ont, en 1867, conçu le B.N.A. Act comme une simple loi britannique, et non point comme un pacte entre deux nations."
La nouvelle entente, p. 10.

23. "L'avènement du régime fédéral canadien consacre donc, en même temps qu'il la favorise, l'hégémonie d'un Canada devenue anglais. Il est assez normal que, dans un tel régime, les intérêts et les aspirations des Québécois et des Francophones des autres provinces soient relégués au second plan.

"En 1885, par example, le Québec tout entier prend fait et cause pour Louis Riel, qui lutte pour la survie des communautés francophones de l'Ouest; le gouvernement fédéral le combat, au contraire, et Louis Riel meurt sur l'échafaud."
La nouvelle entente, p. 11.

24. *La nouvelle entente*, pp. 11-12.

25. "Bien que, par certaines lois fédérales, on ait tenté sur le tard de susciter le bilinguisme dans les institutions centrales, ces examples montrent que les francophones ne furent jamais considérés, au Canada, comme formant une société, avec une histoire, une culture, et des aspirations propres. Ils constituaient tout au plus une importante minorité linguistique, sans droits collectifs ni pouvoirs particuliers, et nécessairement appelée, comme on l'a cru longtemps au Canada anglais, à se fondre dans l'ensemble canadien."
La nouvelle entente, p. 12.

26. For a discussion of the nature of analytic arguments, see Stephen Toulmin, *The Uses of Argument* (Cambridge, Cambridge University Press, 1958), pp. 127-135. While the argument I have discussed in this essay may not meet Toulmin's criteria for being analytic, that argument presents itself as analytic, elaborating the consequences of its premises. As with geometric arguments, ideological arguments deal with abstract objects in a formal system detached from empirical reality. Geometric arguments are regulated by the meaning of certain primary terms, certain axioms, and certain rules of logic. Similarly, ideological arguments, if the meanings they presuppose are granted, proceed on the basis of the such meanings, axiomatic political principles, and a formal logic of argument.

ARGUING AS "SPEAKING A LANGUAGE": SEMIOTIC CONSISTENCY

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Recent treatments of argument as process, product, and procedure[1] have served to remind us of the rather different senses in which we speak of arguments. Likewise, attention to the cognitive processes attending argument and the social rules that affect their construction have helped to flesh out a fuller picture of arguing than we have had in the past--although it is not always clear whether these approaches complement or compete with each other.[2] Research in the area would follow a more systematic path, of course, if a common framework for the study of argument could be agreed on.

It seems to me that we have a comprehensive framework for studying argument in the semiotic model, with its three divisions of syntactics, semantics, and pragmatics,[3] and that it affords room enough for all the various aspects of argument that should concern us. I believe, furthermore, that it offers a certain heuristic advantage because of its aspirations to wholeness, and because it has already-developed resources, ripe for more systematic application to argumentative analysis. I would propose, therefore, that we begin constructing our studies of argument around this model in order to enhance the systematic quality of our overall enterprise.

We could begin applying the model by noting that arguments may be analyzed in terms of their form, which might be considered a syntactical investigation. The bulk of what is examined under what might be called the classical model could be discussed under this heading. But arguments, as we know, are not pure form--they also have meaning for their users and their audience, because they talk about things that matter. Semantics is concerned with meaning, in this sense. We know, too, that the most elegant arguments may fail to have any effect, and that in the final analysis, their particular relationship to their users will determine how and whether they have force. This is the concern of pragmatics. Our understanding of how these three categories interact can readily be assisted by comparison to their function in general linguistic usage. We can see, for instance, that pragmatic demands in discourse can often "override" ordinary syntactic or semantic rules, or that in the proper context, garbled syntax need not disrupt communication. On the other hand, we see that native speakers sometimes say things they do not mean to say, because of insufficient mastery of syntax or semantics. The categories interact in complicated ways.

The comparison holds other interesting suggestions. It encourages us to think about rules and selection principles, for instance, but does not permit us to ignore the expressive and instrumental purposes of individual users. Arguing, following the comparison to general discourse, is interactive, but capable of leaving a record which may itself have impact (Product, process, and procedure views, in other words, should be amply accommodated). Lest this approach be taken as excluding non-linguistic elements, however, I would point out that various sorts of sign systems--non-verbal, imagistic, and so on--can be investigated within this framework, although my own bias will lead me to focus on the specifically linguistic elements of argument. The particular telos that I wish to foster with this terminology is to understand arguing as "speaking a language." Arguing successfully, I would like to think, is grappling to speak a common language--not just to share sign systems, but to cultivate common judgments and competencies in their use. This, I am inclined to believe, is the higher social function of arguing, which is not to say the only function.

Using this framework, then, I want to try to make a contribution by looking at one particular variable--a complex one to be sure, but something traditionally considered important to the cogency of arguments. The particular problem I will focus on is that of consistency, and its role and function in argument. By using the semiotic framework to track down some of its many dimensions, I hope simultaneously to find out something about consistency and something about the framework itself. Part of my motive, at least, is a belief that we have tended to collapse consistency either into a "flat" logical framework, or else to relegate it to a purely psychological dimension; using a semiotic format should elicit other dynamics of consistency.

When Henry Johnstone declared his frustration with finding any sense in which the consistency principle is a genuinely regulative principle in philosophical discourse,[4] he was acknowledging what many philosophers have not yet acknowledged, but which has been the lifeblood of rhetorical practice from time immemorial: that formal criteria are rarely decisive in arguments that have anything more than formal components. It is to be expected that as one moves away from formalism as a model for argument, the formal consistency found in such models will become less decisive. Thus, it is not surprising to find the notion of logical consistency questioned as a important measure of argumentative cogency in some of the recent commentary on argument.[5] We must be cautious, however, that in rejecting certain formalisms we do not neglect those senses of consistency which inform even the most unschooled argumentative practices--the logica utens of practical discourse.

As a measure of arguments, consistency seems more valued in the breach than in the observance. Demonstrating consistency, that is, rarely suffices to give an argument force, while a demonstrated inconsistency can pose a threat to the credibility of the argument. I take it as a truism that the charge of "inconsistency" is just that--a charge, or accusation, and not a neutral descriptor--and that this is as true in everyday argument as it is at the more rarefied levels of discourse. The charge of inconsistency is an indictment of sorts--a validity challenge--that begs to be resolved.[6] An argument has not been fully rationalized so long as the inconsistency is held present.

Anticipating some objections to this claim, let me quickly offer two disclaimers. First, I am not saying that inconsistent arguments do not often have force, for it is obvious that they often do. And second, I am not saying that one need only "identify" inconsistencies in order to vitiate an argument. The hunger for mechanical procedures to validate or invalidate arguments will not be fed in this essay. My position, to the contrary, is that claims of inconsistency are important in motivating further argument. It follows that inconsistency has a valuable function in the argumentative process. This presupposes an understanding of consistency, however, so I now should take a stab at a semiotic account that will refine that understanding.

Syntactic Consistency

Syntactics is the study of the formal properties of signs. Symbolic logic, and mathematics, the most purely formal systems of signs, presume that the meaning of any expression is perfectly invariant whenever it is introduced. By thus "freezing out" the ambiguity or fluidity that characterize natural semantic systems, abstract formal systems permit their users to manipulate a range of invariant terms within a closed system.[7] Under such conditions, strict and uniform criteria of consistency may be observed.[8] The form that inconsistency takes in such a system is that of logical *contradiction*, which is taken by classical logic to have vitiating consequences.[9] Thus, locating or producing a contradiction within a piece of reasoning under examination has often been taken as the most direct and pertinent means of destroying it.[10]

Theorists of argument have been saying for the last two decades that logic cannot be the one and only instrument of argument, and that we need to examine the cognitive and normative determinants of the construction and destruction of arguments. Although this view now has presumption in the literature, and I accept it, there does not seem to be any particular consensus on how logic does relate to argumentation in the fuller sense.[11] We would be making a mistake, I believe, if we came to regard logic as a somehow false version of reasoning--a long-entrenched, self-perpetuating artifact of Greek philosophizing which retards a more accurate description based on what we now know about the cognitive processes. Logic has always been best conceived, not as a description of the cognitive processes, still less a model of experience,[12] but as an instrument of analysis--an *organon*, as Aristotle called it. As a critical-analytic tool it can be remarkably useful in bringing clarity to muddled argument and in preventing syntactic inconsistencies. Rather than deny ourselves the benefits of this instrument, we need to respect its limits, to be aware of what it can and cannot do for us (and I would add here that contemporary modal and predicate logics--and such developing areas as belief and tense logics--can do more for us than is commonly supposed by those who take Aristotelian syllogisms as definitive of logic).

Logic's domain is form, and it works only upon the conditions of an accepted formalism. Substance, in all those myriad senses that Kenneth Burke explores, for instance, is not an open issue for it. Premises do not vie for our assent--they are, somehow, "given." But arguments normally occur within a context in which the pragmatic selection of relevant premises, principles, and presuppositions is a crucial part of the process. If arguers began with all the same purposes and presuppositions in mind, and with a mutual agreement about the sense and reference of their terms, then we would have the ideal conditions in which to foreground logic: all inferences might be produced with a force and precision equally compelling for all participants. For better or for worse, this is rarely (if ever) the case. Form alone is thus rarely sufficient to determine an argument.

As a special aspect of semiotic, logic is a refined way of attending to problems of syntax. Characterizing it in this way has the advantage that one is immediately bid to ask, What about the semantic and pragmatic dimensions of argument? (And not, What about the illogical properties of argument?). Although a formal enterprise, logic does embody a semantic dimension--whenever it includes so-called "truth conditions," this dimension is necessary. But the semantics of an artificial language, a "pure semantics," as Carnap called it, is a far different thing from the "descriptive semantics" of a natural language, for reasons that we will next consider. The same holds true, we will see, for pragmatics, which has a limited use within formal logic.

Semantic Consistency

Semantic consistency involves the relationship between signs and what they represent. This covers what is commonly called meaning.[13] The consistency problem in semantics becomes rather complex--more so, it seems, than for the syntactic dimension, where consistency criteria are clear-cut and readily understood. Using Frege's distinction between reference and sense, it is possible to discern two different ways in which consistency becomes an issue in the semantic field.

Reference The referent of an expression is that which is singled out by representation. The things or state of affairs to which one might refer run a gamut of possible modes: actual or possible, material or ideal, real or imagined, and so on. Insofar as there is representation of factual conditions, there is the possibility of representing states of affairs that cannot exist. Facts that may not coexist as represented I will call referentially incompatible. One could speak coherently about a ship lighter than a feather, for instance, or of Caruso's forthcoming appearance at the Met; but these would represent incompatible states of affairs, given the conditions of the world as we understand it. Such expressions could enter into patterns of reasoning that would be described as logically valid (but lacking soundness, because the premises could not be true). So-called material logic attempts to come to grips with the systematic constraints on inference posed by what we know about the world.

There would always be at least one syntactically consistent form in which any compatible state of affairs could be described, and possibly many more, since theories are underdetermined with respect to facts.[14] But syntactic compatibility does not guarantee that any series of semantic representations will be referentially compatible. Descriptions can be cast into syntactically consistent form to make incompatibles appear compatible; but this rhetorical maneuver has its risks, since the positing of formal relations brings with it the possibility of unforeseen entailments.[15]

According to the scheme I am describing, there will be no "contradictions" among facts at the ontological level, since contradiction is a term restricted to the formal level of analysis, and referential incompatibility is defined as the positing of facts that cannot mutually coexist. In taking this position, I believe I am not so much begging the question against those who ascribe contradictoriness to the world--e.g., in some interpretations of Marx's notion of contradiction[16]--as I am attempting to alleviate an ambiguity in terms. I believe that such interpretations can be successfully reanalyzed as applying to conflicts among the representation of conditions rather than conditions themselves--or else the notion of conflict is something other than that of incompatibility as I have characterized it.

Sense The "world of words" has dynamics of its own, which are not wholly determined by referential demands. Signifying relationships yield the sense of expressions, which may be put into the service of referring, but which cannot be reduced to reference.[17] Whereas formal systems presume invariance of meaning, natural languages do not step into the same river twice--there is always some flux in usage, and this can play havoc with formal relations. Discrepancies of usage that are too wide to be plausibly bridged indicate incompatibility of sense. Fluctuation in the sense of expressions can be observed in two ways.

(1) The first is in the course of time. This is particularly evident in legal and constitutional documents, which must perpetually undergo interpretation to be applied in the present. The hermeneutic tradition was born out of the need to accommodate such changes in meaning over time as occur in legal or scriptural texts; but the practical activity of interpretation does not depend upon any particular academic tradition. Changes in everyday usage of expressions present subtle problems of consistency. For instance, it is sometimes necessary to changes one's mode of expression in order to be consistent with a particular intention over time, as a "conservative" might have to change his self-description to "moderate" if his views have remained the same while his society has moved in a conservative direction. As patterns of usage change over time, two occurrences of the same expression will signify in slightly (or considerably) different ways, and this must be carefully accounted for in making consistency judgments at the semantic level.

(2) There are variations among different users of the language. For someone to speak consistently according to his own lights may not be sufficient to guarantee consistency in the eyes of others. Thus, we sometimes find advocates of a "pro-life" position being charged with inconsistency for taking a pro-capital punishment stance. Being "for life" evidently packs a different semantic content for different segments of society, each of which is perfectly capable of defending its usage on grounds of internal consistency.[18] Likewise, persons of a certain political persuasion will be inclined to speak of "the rich" in cases where those of another persuasion might see "the middle class." These are not simply ambiguities to be eliminated by a stroke of precision. Those qualities of language variously described as open texture, vagueness, fuzziness, looseness, or confusion (in a non-pejorative sense of the term), are an indispensible part of effective linguistic expression. At the same time they make consistency judgments much more problematical then they are in the formally discrete categories of an artificial language.[19] Making sense depends on the relative consistency of usage, of course; but making language apply to the world depends on the elastic qualities of a semantic system.

Demonstrating formal contradiction is a relatively weak means of producing correction in an argumentative process, because someone asserting two apparently contradictory claims can frequently avoid final indictment by some sort of terminological strategy. From a logical viewpoint such strategies might appear to be nothing more than equivocations, but they need not be disingenuous at all in the context of a natural language. Whether an ideal language was ever a reasonable desideratum for philosophy and the social sciences, it most assuredly is not for ordinary discourse,[20] which resists, and must resist, the fixity of relatively closed systems. If language follows syntactic rules, the content upon which these rules are impressed nevertheless makes formal analysis an insufficient remedy for the semantic inconsistencies we must work through in daily discourse.

Pragmatic Consistency

Pragmatics is the study of the relationship between signs and their users. Rhetoricians and communication scientists have a dominant interest in this area, since their concern is with the instrumental and communicative uses of language. The pragmatic function of argument is to have force, which may be gauged either in reference to an individual belief system or to social formations. Arguments, that is to say, may be seen either as producing internal adjustments in someone's thinking, or as adjusting the relationship of persons to their social environment, e.g. bringing them "into line," or alienating them, etc. Often, but not always, the two go hand in hand, or as two sides of the same coin.

The pragmatics of consistency has to my knowledge had no systematic exploration, although one important aspect of it--the relationship between cognitive consistency and various forms of communication--has been studied rather extensively. Formal logic has taken a few cautious steps toward the pragmatics of consistency, although these are not yet of much use in understanding real arguments (and there are perhaps natural limits to how far logical formalism can go in addressing pragmatics).[21] To understand this dimension of consistency, it is necessary to consider the social conventions and individual belief structures in respect to which a group of utterances can be framed as a discourse (e.g. and argument) and a scope of relevance established.[22] Suppose that person A asserts P and person B asserts not-P, for instance. Without further information as to context, times of utterance, the "frames" in which the utterances were made, and so on, it cannot even be determined that a contradiction exists. Utterances taken from separate discourses, in other words, may not stand in the relationship (of contradiction, or any other) that a surface reading of them might suggest. In different contexts the uses of P are subject to variability, and their inconsistency would depend on pragmatic factors.

Pragmatic consistency can be discussed under two headings, corresponding to the personal and social viewpoints, respectively. The first, doxastic consistency, concerns the sense of relatedness attributable to a set of beliefs because of their being held by the same person. The second concerns the sense of relatedness attributable to a set of beliefs because of their being socially connected--I will call this affiliative consistency. The reference to beliefs enters our discussion for the first time at the level of pragmatics; for here our concern is not just with consistencies among utterances, but rather with assertions as they are (or could be) made by persons, whose consistency of self and of social role are implicated in what they say.

Doxastic Consistency I use the word doxastic (from the Greek *doxa*, for belief or opinion) to identify the beliefs any person has which could be stated propositionally.[23] Such beliefs are part of a set or system by virtue of their being commonly held by a single person, having existential status.[24] Claims can therefore be judged consistent or inconsistent for that person, who retains an identity or "voice" in all that he or she asserts. In laying out proofs on a page, one might continually wipe clean the slate, such that one formulation will have no bearing on the next--but a person cannot remain detached from what he or she argues. What I said yesterday may be taken as relevant to what I say today, and what I say to one person taken as relevant to what I say to another, especially if there are inconsistencies in what I say on those occasions. This is due to the presumed relationship between what I assert and what I believe.

The form of inconsistency peculiar to this level is the *paradox*, which arises when a person holds as true propositions that he or others regard as inconsistent. It may be recognized by others or noticed only privately. As with the other forms of inconsistency, the paradox has its uses, but does not seem an epistemically satisfactory end state. Often paradoxes are the product of indeterminacy of reference (a semantic problem), or inadequate logical analysis (a syntactic problem), and their resolution will thus lie in that direction; ultimately, however, their resolution must be a pragmatic one, which is to say an *ad hominem* remedy, which works by reducing the friction within a specific belief system. In the case of argument or persuasion, the paradox would have to be relieved in the person whose assent is being sought.

In the public arena, the criteria of doxastic consistency are usually rather negotiable. Since people go through changes in their beliefs over time, one must determine two things: (1) What past beliefs are to be considered relevant to present ones? For instance, would we be inclined to call an avowed conservative inconsistent for having espoused socialism while in college? Perhaps--depending upon whether that aspect of his past is taken as relevant. Specific rhetorical strategies of dissociation[25] are available to persons who wish to divorce their present from their past incarnations--to be born again, so to speak. The success of such strategies can make the difference between being inconsistent and simply changing one's mind. There are, too, those more spectacular conversions that in effect declare doxastic bankrupcy and let the convert begin afresh, but these are rarer. (2) What domains of belief are relevant to one another? If a man preaches love and charity in his personal life, but advocates cutthroat competitiveness in his business life, is this to be judged a paradox? Or are these two areas of life so partitioned from one another as to be mutually irrelevant? Can a U.S. President who advocates democracy at home and defends interference in foreign elections by the CIA be consistent? These questions are, to say the least, arguable. How relevance and consistency are adjudicated in such cases will depend in part on the social practices and institutions with which affiliation is presumed.

Affiliative Consistency

A concern with consistency cannot stop at the level of individual belief systems. We are social beings, not windowless monads, and an account of discursive consistency that gauged only the self-satisfaction of individuals would miss the specifically social dimension of consistency. I wish to address this social dimension under the rubric of affiliation, because it is only insofar as a person affiliates in some sense--with a group, institution, culture, etc.--that he or she is subject to its norms. This is not to say that such affiliation is simply a free choice from among equally open possibilities. Some affiliations are elective, and some are not.

Social formations provide standards by which consistency judgments can be made. For instance, my belonging to an organization that strongly opposes gun control when I favor gun control will likely ne[illegible] a charge of inconsistency--because support of an organization is normally taken to mean agreement with its goals.[26] This particular form of inconsistency is what I will call incongruity, a kind of social mis-matching that does not necessarily generate syntactic or semantic problems. It is quite possible, we know, for someone to belong to an organization that endorses positions at odds with his or her own; and frequently this is rationalized in the mind of the member on grounds of there being no "line item veto," or because benefits of membership outweigh the costs of differences, etc. Such rationalizations will not necessarily keep others from viewing this as incongruous, however. Affiliation, in fact, might be said to have two sides: on one side is the personal sense of affiliation, and on the other are the attributions that others make. As it turns out, affiliation is sometimes defined differently by different people. It is not uncommon, for instance, for political conservatives to assume that the expression of socialistic ideals signifies affiliation with, say, the objectives of the Soviet Union. When one runs across letters to newspapers in which it is confidently asserted that advocates of restraints on corporate capitalism should consider going to Russia, this is the logic of attributed affiliation.

As a practical matter, different communities or groups often need to negotiate a common ground of understanding. This requires a common sense of affiliation in the context of which relevant assertions by anyone so affiliated are subject to the same consistency judgments. The signing of international accords, for instance, implies a level of affiliation at which the behaviors of different nations may be judged consistent or inconsistent according to a common standard. Historically, of course, such affiliations of convenience have often proved disappointing, since deeper affiliations tend to prevail. It is quite apparent, for example, that the universal principles to which member nations of the United Nations pledge themselves are subject to such divergent interpretations as to sometimes approach semantic emptiness. This is sometimes the price of a pragmatic consensus.

A full accounting of affiliation and its pragmatic consequences for argument would need to acknowledge the normative stabilities that underlie the different types of inquiry and social processes. Whether or not Toulmin's notion of argumentative fields turns out to be the best way of characterizing them,[27] the rules and traditions informing various types of argument provide, among other things, bases for consistency judgments. Laboring within the context of a given field would seem to imply affiliation (elective or not) with its rules and traditions. In the case of a specific disciplinary matrix, especially, or in conventionalized forums for argument, such as the courts, these affiliations can provide a stable basis of comparison against which one's meagre efforts might be judged consistent or inconsistent. These are matters for empirical investigation; but I believe that something more can be said about argumentative criteria in general in reference to our present framework.

For each level of the semiotic triad, I believe it can be argued, there are validation criteria that are particularly apt. The syntactic level, because it concerns form, is finally tested by criteria of *coherence*. The semantic dimension of an argument is measured by how it is judged to match up with the experiences or realities that it purports to speak about, and is thus measured by its perceived *correspondence* to them. Meanings, in other words, are not sui generis, but are valued for the accuracy or inaccuracy of their use. The measure of pragmatic validity is whether the force of an argument is felt in such a way as to give it *cogency* in the context of a belief system. As this sense of cogency becomes shared across a relevant community, it may produce a *consensus*, which many would take to be the highest test of argumentative validity.[28] The special pertinence of consistency to each of these measures is that it is in some sense a necessary condition to their being met--the right kind of inconsistency, in other words, can be disruptive to that condition.

In the chart below I have represented the relationships among the terms so far discussed.

Semiotic Function	Dimension of Argument	Validity Criterion	Type of Inconsistency
Syntactic	Form	Coherence	Contradiction
Semantic	Meaning	Correspondence	Incompatibility: Of Sense Of Reference
Pragmatic	Force:		
	Doxastic	Cogency	Paradox
	Affiliative	Consensus	Incongruity

Rational Uses of Inconsistency

Inconsistency has been characterized here as a kind of challenge to the validity of an argument; but this does not mean that it is necessarily irrational to use inconsistencies. To assert inconsistent propositions without knowing that they are inconsistent makes one subject to correction, but not necessarily to a charge of bad reasoning. If I declare that I am appalled by James Watt but admire the Secretary of the Interior, for instance, I might be accused of profound ignorance, but not of irrationality. From the analogy of jurisprudence, where ignorance of the law is considered no defense, however, we might extract the principle that a plea of ignorance has limits as a defense against the charge of irrationality. A person who is oblivious to a basic stock of knowledge common to his society might well be judged irrational just for having let himself get into such a position. It would depend on how willful, negligent, or systematic the ignorance was--that is to say on normative considerations. We sometimes pass judgment on people for failure to know something that they *ought* to have known--the courts do the same--and in such cases, being consistent to one's own beliefs offers no redemption. In other words, doxastic consistency is not the last word in rationality, which, linked as it is to "good reasons," has a normative, social dimension.[29]

Granting that it is not necessarily irrational to make inconsistent claims when one is unaware that they are inconsistent, we need next to ask if it can be rational to knowingly advance inconsistent claims. There are several circumstances under which this appears to be possible, some of which depend on the non-isomorphism of beliefs and propositions advanced. We speak and argue for other purposes besides manifesting our beliefs, and some of these purposes can be served by the conscious use of inconsistencies.

Even when one's objective is pure truth-seeking, the structure of inquiry may make the issuance of inconsistent claims useful. In the context of disputation, such as in academic debates, or courtroom argument, it is often useful to advance a series of claims, inconsistent with each other, but any one of which if true would undermine the position of an opponent. Thus, the different possibilities are advanced for consideration, in much the same way that several scientific hypotheses might be ventured to explain the same phenomenon. The truth of any one of the hypotheses may be inconsistent with the truth of the others; but this does not mean we cannot simultaneously entertain the inconsistent hypotheses.

I am careful here to speak of entertaining inconsistent claims rather than asserting them, which carries some rather different implications. To assert a claim is to put the force of one's beliefs behind it and thus to give testimony. It will make a considerable pragmatic difference, therefore, whether an expert on any given subject merely puts forward a hypothesis or asserts the truth of the same. It would be correct to say of a series of inconsistent hypotheses advanced by the same person, that the inconsistency is in the statements themselves (by form or by reference) and not a characteristic of the person advancing them. The hypothetical mode, even if only implicitly invoked, can prevent the inconsistency of propositions from passing into an inconsistency of the utterer.[30]

Putting forward apparently inconsistent claims can serve the pragmatic function of stimulating further inquiry. If we accept Aristotle's claim that discovery begins with puzzlement, or Peirce's view that an "irritation of doubt" is required to spur inquiry, then the presentation of apparent contradictions in what is known can be the ideal instrument for motivating further investigation. The history of science is replete with cases of such puzzlement as a motive for research, and much of philosophical inquiry is geared toward resolving paradoxes. Such cases confirm that inconsistency is not in itself a valued trait of a knowledge system. Rather, it is valued negatively--its utility depends precisely upon a commitment to resolving it. Thus, we would want to say that inconsistency, like perplexity, has its uses, but not that it is per se desirable. Inconsistency is a stimulus when someone finds himself inclined to believe two or more inconsistent claims, but also believes that it is not possible within present understanding to do so. This is the condition of doubt, which deprives the conflicting claims of the status of knowledge.

There are various other purposes for uttering inconsistencies which have little or nothing to do with truth-seeking. Inconsistent statements may be used for rhetorical purposes, such as expressing ironies (e.g. "It was the best of times, it was the worst of times . . ."), oxymorons (e.g. "The silence was deafening "), metaphors ("The man is a snake ") and so on. A creative tension between categories is a resource that rhetorical figures and tropes employ to achieve a certain effect. It may also be used as a means of holding attention, or as a "demand ticket" that creates a space for elaboration. For instance, if my response to a question is "Well, yes and no," then I am virtually assured an opportunity to elaborate; for there simply has to be more to my answer to rescue it from self-destruction, or to give it any information value whatever.

Inconsistency may be used to achieve humor, or to express complex emotions, but also to attain more questionable ends, such as misleading or confusing others. (Politicians, after all, need not be told that inconsistency may have pragmatic value.) The manipulative uses of inconsistency thus should not be overlooked in a discussion of uses . Rational, calculating people may use inconsistencies manipulatively, and this will not count as an indictment of the reasoning process itself, although it may raise ethical issues. Since ethics is not a concern in the present effort, I will back away from its threshold, leaving for another time an examination of the ethical dimensions on inconsistency.

Let me summarize this discussion of the rational uses of inconsistency by saying, first, that the demonstrable value of inconsistencies (for inquiry or other purposes) does not warrant the conclusion that it is acceptable to believe inconsistent statements. One may accept them provisionally until further determination resolves the tension between them--as when a "yes and no" answer turns out to mean yes in this respect and no in that respect--or until the inconsistency-producing error is revealed. On this view, inconsistency is valuable as a means to augmenting beliefs, knowledge, and opinions, but not acceptable as an end in belief, knowledge or opinion. What often pass as acceptable inconsistent beliefs, e.g. "It was the best of times, it was the worst of times," are usually only apparent inconsistencies, which dissolve once greater specificity is supplied--once it is determined, that is, the respects in which, e.g. the times were best and worst. I would hasten to point out that the Aristotelian Laws of Contradiction and Excluded Middle presuppose full determinacy of meaning, and are not violated (but are held in abeyance) when meaning is indeterminate. And finally, my concern has been limited to consistency as it is (or might be) propositionally represented. Consistency of behavior presents other problems--but insofar as behavior may be propositionally described, it falls within the ambit of this discussion.

Inconsistencies serve as markers of unresolved tensions within an interpretive frame, and they can have instrumental value. At the same time, the very notion of an inconsistency remains parasitic on that of consistency as a regulative idea. Although regulative ideas may by their very nature be vague, the taxonomy offered here is an attempt to give this one a bit more determination--and to recognize more of its dimensions than are possible given a logical, a cognitive, or a pragmatic framework alone. The implication of this approach is that these different "senses" of consistency designate not just a group of different things coincidentally collected under one label, but a kind of complex concept at work when we take on the mantle of arguers. In this connection, then, I want to return to the thought with which I began.

I began by saying that argument might be conceived as an attempt to "speak a common language," and that this might be its means of serving an important social function. Viewed as a social activity, it seems to me, arguing is one instrument for synchronizing interpretation among people--it normally functions at precisely those points where there is an interpretive disjuncture. Logic has traditionally been seen as a means of eliminating such disjunctures, by finessing an "objective" interpretation of whatever could be propositionalized; but we have become increasingly sensitive to the other semiotic bases on which differences of understanding can arise. In the absence of common "substance," common form is not sufficient for detecting--still less settling--disagreements. Settling disagreements by argument, it would appear, requires the extension of a common ground, which might be achieved by the enticements of form, meaning, or function. But what, precisely, does it mean to "settle" an argument, or for an argument to succeed? Obviously, we can take a microcosmic perspective on this question and examine the ways that individuals succeed or fail by talk to resolve tensions in particular argumentative contexts. A social perspective, on the other hand, would take a broader view of argumentative success; and so I will conclude by sketching some of the assumptions that I think belong with that perspective.

1. From the social perspective, the question of consistency becomes a matter of identity, in a de-privatized sense. Who we are, how we position ourselves in the world, and what we credit as real, can be gauged by publicly expressible criteria; and these, in fact, are the bases upon which we can hope to transcend the differences among us. Arguments presume certain commonalities in the experience of the arguers, and these can serve to highlight as "inconsistent" the dissimilarities. But this is so only when arguers assume their differences can somehow be related to a common interpretive frame. It makes little sense, in other words, to declare that judgments, opinions, or even world views are inconsistent without having criteria by which they may be so judged. Having such criteria is a condition of sociality itself--it is folly to think that one might merely pick a paradigm, or wish a Weltanschauung in some way essentially unconditioned by one's social condition and its pragmatic requirements.

2. Arguments that take hold, so to speak, can be propagated outward or "downward" in a society, bringing more and more people into interpretive synchrony. Many of the arguments that enjoy broad consensus, e.g., arguments about censorship within American culture, are more or less absorbed from a common tradition. This process of "specifying downward" through the society or through successive generations can be compared to the logical operation of deduction. Other arguments move "outward" from a localized application to increasingly general influence, a process that has at least analogical resemblance to induction. And finally, socially generalized arguments have their moment of origin as an interpretive innovation, a process like that of abduction.[31] Arguments that achieve broad social success may go through each of these phases. Jeane Kirkpatrick's now famous (and, I am inclined to say, infamous) distinction between "totalitarian" and "authoritarian" regimes, for instance, was an argumentatively based interpretive innovation which caught the eye of the intellectual Right, and then the President's, and consequently found its way into countless official and unofficial articulations of the foreign policy obligations of the United States. The formulation evidently helped crystallize an argumenta-

tive line to serve the purposes of the political Right, and provided a ready-made strategy of response to critics of a shifting foreign policy. In this movement from origination, to generalization outward, to specification downward, we see each moment of the socio-logic described above. Under critique, of course, such popular arguments often lose their force, and other interpretations may supplant them, or exist concurrently within a community.

3. This process succeeds as it moves toward stable habits of interpretation--toward what Apel calls "a semiotical unity of consistent interpretation."[32] This sort of consistency is found in the use of signs, and is in that sense publicly constructed. If we take maximum unity of interpretation as a theoretically useful objective, then argumentative successes would be optimal when consensus follows from interpretative agreement at the level of form, meaning, and force. Viewed microscopically, immediate pragmatic success may be enough; but when we have to continue living with the consequences of our arguments (as members of a community often must), we want arguments not only to succeed, but to succeed for the right reasons. If there is not agreement at syntactic, semantic, and pragmatic levels concurrently, we might reasonably expect divergences of interpretation to take their toll somewhere down the line. Although the conception of a society that uniformly coerces every inference is perhaps totalitarian dream stuff, the notion of an uncoerced uniformity of interpretation provides a useful ideal for communities of inquiry. Whether this is a desirable objective for aesthetic, moral, or political communities is a debatable matter; but such a value should not necessarily be seen as inimical to that of pluralism, which has as one of its leading historical justifications the argument that diversity of opinion is a means of resisting dogma, not an end in itself.[33]

4. The habits of interpretation whereby members of a culture determine how data of a certain description are to "count" are shaped to some degree by what is commonly called ideology. Having assumed some ideological or simply cultural commonality, however, it remains necessary to explain how members of a given culture can disagree among themselves and how they may come to terms with those disagreements. A culture typically subsumes a diversity of changing "perspectives" (if not identifiable sub-cultures), and to the degree that these function consubstantially as a culture, mechanisms for resolving, discounting, or containing interpretive differences will be present. Argument is one such mechanism. As such it is particularly suited to the problem of resolving, discounting, or containing inconsistency.

FOOTNOTES

[1] The exploration of process and product notions of argument grows out of Wayne Brockriede, "Where is Argument?," Journal of the American Forensic Association, 11 (Spring 1975), 179-182; Daniel O'Keefe, "Two Concepts of Argument," JAFA, 13 (Winter 1977), 121-123; Wayne Brockriede, "Characteristics of Arguments and Arguing," JAFA, 13 (Winter 1977), 129-132. Joseph W. Wenzel adds the "procedure" approach to these two in "Perspectives on Argument," Proceedings of the Summer Conference on Argumentation, ed. Jack Rhodes and Sara Newell (Annandale, Va.: SCA-AFA, 1980), pp. 112-133.

[2] David Zarefsky argues that these may be only different perspectives taken for different purposes in "Product, Process, or Point of View?," Proceedings of the Summer Conference on Argumentation, pp. 228-236.

[3] This widely observed framework for semiotics is laid out (on a Peircean basis) by Charles Morris, Foundations of the Theory of Signs (International Encyclopedia of Unified Science 1-2, University of Chicago Press, 1938).

[4] This theme begins to emerge in Johnstone's writing in "Argumentation and Inconsistency," Revue Internationale de Philosophie 15, no. 4 (1969), 353-65. Its development, especially as it implicates the notion of the argumentum ad hominem, is recounted in Henry W. Johnstone, Jr., "From Philosophy to Rhetoric and Back," in Rhetoric, Philosophy, and Literature: An Exploration, ed. Don M. Burks (West Lafayette, Ind.: Purdue Univ. Press, 1978), pp. 49-66.

[5] Johnstone, for instance, speaks of different conceptions of inconsistency, which may not be shared by participants in an argument. See "From Philosophy to Rhetoric and Back," pp. 51 ff. The next step in moving from the logical conception of consistency is to turn to the notion of cognitive consistency, which can in turn lead to an outright psychologizing of argument. See, for example, Dale Hample's essay, "The Cognitive Context of Argument," The Western Journal of Speech Communication, 45 (Spring 1981), 148-158, which begins with the following assumption: "Argument is viewed here as something that happens within a person, not within a message" (p. 148).

[6] I am using the notion of a validity challenge in the way that Wellman does, as a condition that produces a need for further justification. See Carl Wellman, Challenge and Response: Justification in Ethics (Carbondale, Ill.: Southern Illinois Univ. Press, 1971).

[7] The notion of a closed system should be understood in a relative sense, since some external assumptions must always be supplied--even, as Gödel demonstrated, in pure mathematics.

[8] It is not necessarily the case, however, that the avoidance of contradiction is a necessary condition of formal system. Wittgenstein, at least, argued that this is a matter of choice. See Ludwig Wittgenstein, *Remarks on the Foundations of Mathematics*, ed. G.H. von Wright, R. Rhees, and G.E.M. Anscombe, trans. G.E.M. Anscombe (Cambridge, Mass.: The M.I.T. Press, 1967).

[9] Some attempts to construct formal systems of symbolic logic that can admit inconsistencies without vitiating consequences--"inconsistency-tolerating logics"--are discussed by Nicholas Rescher and Robert Brandon in *The Logic of Inconsistency: A Study in Non-Standard Possible-World Semantics and Ontology* (Totowa, N.J.: Rowman and Littlefield, 1979), pp. 57-58.

[10] The centrality of this method of refutation to the philosophical community is discussed by Ray E. McKerrow, in "Argument Communities: A Quest for Distinctions," *Proceedings of the Summer Conference on Argumentation*, pp. 217-221.

[11] Evidence of the disagreement on this matter can be found in Bill Balthrop's useful critique of recent indictments of formal logic by theorists of argument. See "Argument As Linguistic Opportunity: A Search for Form and Function," *Proceedings of the Summer Conference*, pp. 184-213.

[12] It seems to me that Willard has attacked a straw man in suggesting that discrete reasoning is equated with "experience" by Aristotle. The discrete movements whereby the mind comes to a "stand" are, for Aristotle, characteristic of the intellective process of *noesis* (*Posterior Analytics* II, 100a; *Physics* VII, 247b); but there is no reason to make this definitive of experience, which would include *aisthesis*, or sensation. Nor is it altogether clear what else Aristotle might have assimilated to the modern conception of experience. See Charles Arthur Willard, "Würzburg Revisited: Some Reasons Why the Induction-Deduction Squabble Is Irrelevant to Argumentation," *Proceedings of the Summer Conference*, pp. 142 ff.

[13] There are other senses of the word "meaning"--pragmatic ones, for instance--that are not included in my use of the term here; but this more limited semantic conception of the term is rather common.

[14] The underdetermination of theories by facts is explored most notably by Quine, although the point that I am making might also find support in the now extensive literature on the theory-laden nature of facts, represented by Feyerabend, Kuhn, and others. See W.V.O. Quine, *Word and Object* (Cambridge, Mass.: The M.I.T. Press, 1960).

[15] There has been much misguided thought, I believe, about the "arbitrary" nature of signs--a notion that tends to blind people to the fact that signifying relations that are merely "posited" for convenience or whatever reason will have unforeseen entailments somewhere further down the line.

[16] Nicholas Lobkowicz, "The Principle of Contradiction in Recent Soviet Philosophy," *Studies in Soviet Thought*, 1 (1961), 44-50. Other notions of ontological inconsistency appear at the more speculative levels of quantum theory, as in the Everett-Wheeler hypothesis, which according to Rescher and Brandon sees the world as "the stage of a concurrent realization of incomparable alternatives" (pp. 58-60). This perspective, they observe, would hold the Aristotelian world-picture as "unduly anthropocentric" for viewing "this world of ours as the uniquely actual one" (p. 59). One cannot know what course this sort of theorizing may take in physics, of course, but my suspicion is that it has no relevance to other domains of argument. If singling out "this world of ours" for special attention (among all possible or actual worlds) is anthropocentric, then perhaps we should learn to wear that label as a badge of honor.

[17] For a discussion of the "referential fallacy," see Umberto Eco, *A Theory of Semiotics* (Bloomington: Indiana Univ. Press, 1976), pp. 58 ff.

[18] The notion of being "pro-life" might (and typically does) have a qualifier that is implicitly understood by the anti-abortionist, i.e. that the right to life holds, barring some sort of forfeiture of it, as might be the case with a capital offender. This is a good example of how introducing a distinction (e.g. "innocent" life) can block what might otherwise appear inconsistent.

[19] The bounds and categories of usage are settled in large part at what might be called a pre-logical level, making consistency judgments subject to empirical, and not just analytical criteria. Such processes must also be understood in ideological context, as Michael C. McGee argues in "The Ideograph: A Link Between Rhetoric and Ideology," *The Quarterly Journal of Speech*, 66 (February 1980), 1-16. Cf. Katz's more analytic view of "semantic contradiction," critically analyzed by Steven Davis, "Katz on Contradiction," *Synthese* 26 (1973), 113-121.

[20] The *locus classicus* of the critique of ideal languages is Ludwig Wittgenstein, *Philosophical Investigations*, trans., G.E.M. Anscombe, 3rd ed. (New York: Macmillan, 1958).

[21] Among logicians there has been considerable interest in recent years in statements that are described as pragmatically inconsistent, e.g., "I do not exist." See Eric Dayton, "Pragmatic Contradiction," *Ethics*, 87 (April 1977), 222-36; and Jill Humphries, "The Logic of Assertion and Pragmatic Inconsistency," *Canadian Journal of Philosophy*, 3 (December 1973), 177-190.

[22] Schutz is particularly useful on how the sense of relevance in general is established. See Ronald R. Cox, *Schutz's Theory of Relevance: A Phenomenological Critique* (The Hague and Boston: Martinus Nijhof, 1978). I am particularly interested here in the relationship of the sense of relevance to discourse structure.

[23] As the set of beliefs that could be propositionalized, the doxastic is a sub-set of the cognitive, which would include the pre-propositional levels of symbol, image, and disposition. These may be important to understanding motivation and the way communication is processed, but they are not always specifiable in terms of public criteria. Absence of cognitive consistency at the non-propositional level is perhaps best characterized as *incoherence*.

[24] The notion of existential status can be stretched to include fictional characters, or persons long dead--there are, in short, different ways in which someone may be said to exist. The important point here is that there be some sense of a self *with reference to which* a set of beliefs might be compared.

[25] Dissociation strategies are discussed by Chaim Perelman and L. Olbrechts-Tyteca, *The New Rhetoric: A Treatise on Argumentation*, trans. John Wilkinson and Purcell Weaver (Notre Dame, Ind.: Univ. of Notre Dame Press, 1969), pp. 411-49.

[26] Edwin Black's discussion of "clusters of opinion" and their bearing on the sense of compatibility is illuminating in this connection. See *Rhetorical Criticism: A Study in Method* (Madison, Wis.: Univ. of Wisconsin Press, 1978), Chap. 6.

[27] Useful critical examinations of Toulmin's conception of argumentative fields appear in Charles A. Willard, "Some Questions About Toulmin's View of Argument Fields," pp. 348-400; and Ray E. McKerrow, "On Fields and Rational Enterprises: A Reply to Willard," pp. 401-413, in *Proceedings of the Summer Conference*.

[28] This could depend on how the consensus was reached, however. In his coupling of a (projectively) ongoing critical process with persuasiveness, Wellman is again persuasive to me. "To say that an argument is valid," he summarizes, "is to claim that when subjected to an indefinite amount of criticism it is persuasive for everyone who thinks in the normal way," (*Challenge and Response*, p. 91).

[29] I have argued elsewhere that rhetoric mediates among the personal and the social dimensions of judgment (the latter elicited from the concrete audience and the ongoing critical community) to produce a rational equilibrium, in "Rhetorical Mediation," *Rhetoric 78: Proceedings of Theory of Rhetoric; An Interdisciplinary Conference*, ed. Robert L. Brown, Jr., and Martin Steinmann, Jr. (Minneapolis: Univ. of Minnesota Center for Advanced Studies in Language, Style, and Literary Theory, 1979), pp. 251-58.

[30] Although Rescher and Brandon show that certain "epistemic policies" (such as probabilistic criteria in some circumstances) can lead to inconsistent yet tenable results (See *The Logic of Inconsistency*, pp. 45 ff.), I do not believe this entails embracing a paradox in the strong sense of

"asserting as true." In my opinion, these require (indeed can only be) cases of the provisional acceptance discussed above. In fact, I do not believe that epistemic "policies," which are really decision procedures, should be connected in an unmediated way with conditions of knowing; for what decision procedures cannot guarantee is the element of actual belief, without which knowledge, on the traditional view, cannot be present.

[31] I am using "abduction" here in Peirce's sense, as an inference to an explanatory hypothesis or to a more inclusive predicate. "An Abduction is Originary," writes Peirce, "in respect to being the only kind of argument which starts a new idea." See *Collected Papers of Charles Sanders Peirce*, ed. Charles Hartshorne and Paul Weiss (Cambridge: Harvard Univ. Press, 1931-35), sec. 2.96.

[32] Karl-Otto Apel, *Towards a Transformation of Philosophy*, trans. Glyn Adey and David Frisby (Boston: Routledge and Kegan Paul, 1980), pp. 84 ff.

[33] Classics of this tradition include Milton's *Areopagitica*, Mill's *On Liberty*, and Peirce's "The Fixation of Belief."

SAVING THE PUBLIC SPHERE THROUGH RATIONAL DISCOURSE

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From his earliest writings, Habermas has aimed toward building a theory of society with a practical intent: the emancipation of people from external domination. Toward that end, his works have focused on the character of the public sphere. For Habermas, the public sphere as a viable entity has disintegrated resulting in a loss of individual freedom through an absence of political participation and an increase in the external domination of the state. These conditions undermine the principles actualized in the public sphere; namely; free and unrestricted discussion, equal access to information sources, and the subordination of private interests to general ones.

This paper will address Habermas' treatment of the public sphere and will argue that his solution--rational or practical discourse--will not, in itself, save the public sphere.[1] This is based on two contentions: (1) that the structure of practical discourse undermines its goal, and (2) that Habermas' conception of practical discourse is divorced from praxis; thus no way exists to actualize his solution.

The Public Sphere

Habermas defines the public sphere as that arena "where something approaching public opinion can be formed."[2] The public sphere is actualized whenever private citizens gather under conditions of free assembly and freedom from censorship to discuss issues of political concern, the object being the state and its right to govern. Legitimacy claims made by the state are scrutinized in the public sphere in terms of practical-moral implications.

Through literature and then through the press, the public sphere became a medium in which the nature of society and the rights of man were interpreted in order to establish a normative basis for social action. On the basis of rationally generated understanding, i.e., the "General Will," state actions were critiqued in public discussion and communicated as public opinion. In this way, the public sphere acted as a check on the powers of the state and protected people from increased political domination.

The public sphere belongs to the interactive domain of human activity and is guided by the specific interests of understanding and emancipation from social domination. Ideally, issues would be discussed in the public sphere and a consensus attained with regard to legitimacy. To the extent that a consensus is reached free of coercion, it can be called "rational" and can provide a legitimate basis for social action.[3]

To aid the achievement of a rational consensus, certain normative regulations are institutionalized in the public sphere. Their intent is to guarantee freedom so that truth will be discovered and justice will prevail. Habermas identifies these as the suspension of social differences, the right of equal access to information sources public and private, the right of equal opportunities to participate, acceptance of the principle that private motives be subordinated to the general motive of searching for the truth, and finally, recognition that no force will prevail other than the force of the better argument, i.e., no violence.[4] These conditions Habermas finds implicit in the actualization of the public sphere. Under them a rational consensus can be attained, one that anticipates and participates in the creation of an emancipated life in which truth, freedom and justice are possible.[5]

Habermas' model of the public sphere, though an ideal type, stems directly from the 18 century public sphere which corresponds, in turn, to the economic and social conditions of the Enlightenment. Prior to that time, maintains Habermas, there was no public sphere corresponding to the liberal or democratic model. During the Middle Ages, the public sphere was the medium of the authoritarian state; only with the advent of certain economic and social conditions could the liberal or bourgeois public sphere arise.

Two essential conditions converged to create a liberal public sphere. First came the rise of a wealthy class of citizenry whose wealth was not dependend on feudal privilege but on commerce. For all intents and purposes, these people were left out of the political process, and they could see that the existing structure of the state was both incapable and largely unwilling to protect their new found social status and its perogatives. To protect their interests, they maintained newspapers and journals, met in cafes and organized debating societies to question the nature and legitimacy of authority. Second, technological innovations in the communications industry made newspapers cheaper and more accessible creating a wider reading public. Habermas notes, for instance, that in the Paris of 1848 over 450 clubs and 200 journals were established during a two month period.[6] Newspapers no longer merely reported the news; they become, instead, "bearers and leaders of public opinion--weapons of party politics."[7]

The classical or liberal public sphere initially claimed to represent the general will of society, though in actuality, of course, only people with education and property had both the free time and the communicative competence required to participate. Nevertheless, armed with knowledge of the general will and possessed of certain natural rights, members of the middle class opposed the extension of absolute monarchies. They wished to transform the state into a limited authority; limited by the critical and reasoned institution of the public sphere. This desire, notes Habermas, was legitimated in the earliest constitutions of modern states:

> In the first modern constitutions the catalogues of fundamental rights were a perfect image of the liberal model of the public sphere: they guaranteed the society as a sphere of private autonomy and the restriction of public authority to a few functions. Between these

> two spheres, the constitutions further insured the existence of a realm of private individuals assembled into a public body who as citizens transmit the needs of bourgeois society to the state, in order, ideally, to transform political into 'rational' authority within the medium of the public sphere. The general interests, which was the measure of such a rationality, was then guaranteed.[8]

While capitalism remained relatively undeveloped, the public sphere could claim with success to represent the interests of all segments of society and, therefore, to be tied to no particular interest. For as long as capitalism operates at the level of small commodity producers, exchange rates are measured by the amount of labor put into the product. There is no hidden surplus value, hence no exploitation, no social conflict. With all exchanges equal, there could exist free dompetition. In addition, this level of capitalism assumes a balance of supply and demand, hence no scarcity and no motivation to protect particular resources. But the development of productive forces creates a climate of scarcity and the desire on the part of certain sectors of capitalist society (those in advantageous positions with respect to scarce resources) to protect their markets. The most efficacious means of protecting the market was, of course, governmental regulation particularly in the form of tariffs. At the same time, the development of capitalism socializes the means of production but concentrates more and more wealth in the hands of fewer people creating additional social conflict.

When economic contradictions reflect themselves as social conflicts, argues Habermas, crises occur.[9] For the liberal public sphere, the crisis was two-fold. On the one hand, increasing state intervention in the economy fundamentally altered the structure of the public sphere. On the other, the widening gulf between the owners of the means of production and the laboring force made it fairly clear that the public sphere did not represent the general will of society. The problem, then, for the public sphere was to confront developmental changes in society and to legitimize its own role in light of those changes. This crisis, maintains Habermas, was not met headlong through the critique of altered circumstances but thorugh co-optation; through adaptation and the production of an appropriate ideology. This furthered the distortion of communication and the disintegration of the public sphere's social base by depoliticizing discourse.[10]

Habermas stresses the fact that developing economic circumstances precluded the ability of the public sphere to resist deterioration in the discursive will formation that defined it. With the development of capitalism, what were once private clashes now become public clashes as various interest groups compete in the public sphere for state intervention. Increasing state intervention to stabilize the economy, argues Habermas, is the decisive factor in the structural disintegration of the public sphere. For intervention favors one societal group at the expense of another. Certain groups (textile manufacturers, for example) that could not satisfy their needs in the private sector assert their demands in the public sphere asking for state regulation of the market. Private sphere conflicts become public sphere conflicts: "The public sphere, which must now mediate these demands, becomes a field for the competition of interests, competitions which assume the form of violent conflict." Discourse is no longer protected from external domination: "Laws that obviously come about under the pressure of the street can hardly be considered the consensus of public discussion among private people...."[11]

Social groups, then, making demands in the political public sphere as a result of capitalist conflict legitimize the process of intervention. This actually leads to a depoliticization of the public sphere. Solutions to the technical problems of administration need not involve public input; indeed, such input is not desired since the public might question government of industry's intentions. Therefore, "the new politics of state interventionism requres a depoliticization of the mass of the population. To the extent that practical questions are eliminated, the public realm also loses its political function."[12] The re-politicization of social institutions, i.e., market exchange, and the corresponding depoliticization of the public leads to a kind of "refeudalization" of the public sphere where corporations work with the state to exclude the public whenever possible.[13]

The decline of the public sphere, argues Habermas, thus far has meant an increase in political and social domination. Domination is not resolved by an increase in technical efficiency. It persists in the form of distorted communication where practical questions are removed from its context, reflection receeds, and enlightenment darkens.

Work, Interaction, Legitimation Crisis

In the interests of the technical control of production, Habermas argues that the state increasingly penetrates the public sphere resulting in a structural modification in the character of its communication. In other words, a sphere of human activity whose interest or goal is technical control impinges on a sphere of activity whose goal is reaching understanding concerning the validity of human actions. The analytical separation of a domain of human action guided by a technical interest in controlling external nature from a domain of human action guided by a practical interest in understanding represents Habermas' attempt to address the decisive problem for capitalist society: the interweaving of politics and science.

In his Frankfort address of 1965, Habermas took up the task of linking the public sphere to technical progress and socio-cultural through an emancipatory interest. As a medium of communication, the public sphere is grounded in language. Language, argues Habermas, is the means by which men are set apart from nature: "With its structure, autonomy and responsibility are given."[14] Thus, the category of the public sphere not only constitutes an historical reality but is also derived from knowledge-constitutive interests.

In *Knowledge and Human Interests*, Habermas contends that the knowledge-constitutive interests arise in the mediums of work, language, and domination. *Legitimation Crisis* argues that these mediums develop in society as constitutive of the economic system (work), the socio-cultural system (language), and the political system (domination). The interaction of these systems constitutes the whole of society; through examining that interaction Habermas maintains that one can pinpoint possible trouble spots. These appear as rationality crises, motivation crises, and legitimation crises.

Habermas conceptualizes the development of society in terms of three overlapping systems, each attempting to sustain themselves and avoid crises.[15] This requires the use of legitimating procedures. Since pre-capitalist traditions, particularly religious dogma, have disintegrated, liberal capitalism needed to create a universalistic ideology. This new ideology with components of civil privatism, familial-vocational privatism, progressive individualism, and political utilitarianism, provides the illusion of political participation (i.e., democracy), but it also permits government and adminsitrative regulation of the private sector. The new ideology becomes the voice of the public sphere--a significant structural alteration: "Structural alteration of the bourgeois public sphere provides for application of institutions and procedures that are democratic in form, while the citizenry, in the midst of an objectively political society, enjoys the status of passive citizens with only the right to withhold acclamation."[16] The intersection of state and private domains actually shrinks the base needed for legitimation. Adequate compensation for individuals' labor, an explosion in the availability in consumable goods that occupies peoples' private lives, and social security which gives the illusion that the political system provides for individual welfare, all contribute to the depoliticization of the masses and a shrinkage of the public sphere. This is, argues Habermas, attributable to the inner logic of the political and socio-cultural system where individual participation in decision-making is no longer desirable.[17]

In *Legitimation Crisis*, Habermas ties the disintegration of the public sphere to a legitimation crisis in the political system and to a motivation crisis in the socio-cultural system. The legitimation crisis is the result of dysfunction in the political system. As the state continually intervenes in the private sector, it cannot help but repoliticize segments of that sector, especially the public sphere. A legitimation crisis results "when fulfilling state planning throws into question the structure of the depoliticized public sphere and the formal democratic guarantee of private, autonomous control over the means of production."[18] With these developments, the loyalty of the masses canno longer be assumed.

Because the political and socio-cultural systems overlap, a legitimation crisis in the political system precipitates a motivation crisis in the socio-cultural system. A motivation crisis occurs "when the socio-cultural system changes in such a way that its output becomes dysfunctional for the state and for the system of social labor."[19] Motivational crises in late capitalism results from the depletion of cultural traditions and from the increasing irrelevance of the central components of ideology that had sustained liberal capitalism. Thus, on the one hand, without motivational supports, the political system cannot count on loyalty, and on the other, with the erosion of cultural traditions, society faces a motivation crisis--a crisis in meaning.

Habermas employs a theory of normative development to argue that the developing logic of normative structures prevents the successful reproduction of bourgeous ideologies.[20] Because they rest on the tradition of the authoritarian state, attempts to reproduce them will result in regression in the form of a conservative-authoritarian state. At the same time, however, the conditions of corporate capitalism have exposed cultural structures that are incapable of reproducing civic and familial-vocational privatism. New cultural patterns are crystallizing around science, post-auratic art, and a universalistic morality. In each, Habermas sees elements that conflict with the demands of the economic and political system of capitalism. These elements, he argues, indicate developmental change toward universality and critique. Moreover, changes in the socialization patterns, and so in the personalities of contemporary youth, in the "new" consciousness exhibited by the women's movement and by grass roots political movements indicates to Habermas an increased cognitive capacity for reflection and a new consciousness involving a universalistic, communicative ethic.[21] On the basis of this developing moral-practical "structure of consciousness," Habermas sees the possibliity of producing motivational norms that demand a rational (discursive) justification of social realities.[22]

Rational Discourse

In this context, the public sphere manifests itself once more as the medium of discursive justification. Obviously, the 19th century public sphere failed to prevent the forces of domination from spreading. What form, then, should the 20th century public sphere take, and under what conditions can it be instituted?

Habermas addresses this question by first taking up the relation between motivation and truth. He does this to argue for the very possibility of a public sphere based on discursive will formation. Habermas maintains that political issues have both technical and practical (moral) dimensions and that they can, therefore, be settled rationally in discourse between groups. The solution to problems posed by legitimation crisis (which, after all, is a crisis of political meanings) is rational (practical) discourse between various groups in modern society where dialogue establishes an empirical relation between motivation and truth. Practical discourse, in turn, implies an ideal communicative situation "which, due to its normal characteristics, allows consensus only on generalizable interests."[23] Practical discourse, then, given its structure insures a political solution to legitimation crises that protects the general will of society.

The notion of discourse is grounded in "the rules for using sentences in utterances," the study of which is the provence of universal pragmatics. Following Wittgenstein, Habermas notes that any functioning language game rests on a background consensus composed of validity claims. These are the claims to be intelligible, true, normatively proper and sincere.[24] When any of the latter three claims is called into question resulting in a lack of consensus, speakers have recourse to a set of procedures by which rationally motivated agreement can be established. Habermas calls this procedure discourse, and its purpose is to accept or reject competing knowledge claims. In so doing, discourse establishes both the truth of statements and the correctness of norms.

As a form of social activity, discourse is normatively structured. However, Habermas justifies discourse as a normative standard with which to assess other norms by arguing that the principle of discourse is embedded in the very nature of speech itself. Universal pragmatics demonstrates that "the expectation of discursive redemption of normative validity claims is already contained in the structure of intersubjectivity and makes specially introduced maxims of universalization superfluous."[25] The notion of universality implicit in the logic of speech and language is the ground upon which rationally motivated agreement rests. This rationality resides in "the fact that the reciprocal behavioral expectations raised to normative status afford validity to a common interest ascertained without deception."[26] The logic of speech--its rationality--guarantees that under appropriate conditions (primarily freedom from constraint) the consensus arrived at will express the desires of all; it will be the expression of a "rational will."

Rational discourse, then, is a particular procedure performed with a specific motive in mind, under special conditions guided by certain norms. In discourse, communicators provide rational grounds for the acceptance, suspension, or rejection of a validity claim. This is done in terms of the formal properties and procedures of argumentation as outlined by Toulmin.[27] To be certain that only "the force of the better argument" effects the discursive process, Habermas maintains that the conditions of discourse must allow a "progressive radicalization of argument." That is, communicators must be allowed to move freely among the various levels of reflection. Presumably increased reflection results in greater self-awareness.[28] Thus, discourse is a learning process that helps test the

> truth claims of opinions (and norms) which the speakers no longer take for granted.... The output of discourses...consists in recognition or rejection of problematic truth claims. Discourse produces nothing but arguments.[29]

Habermas is being reductive here for discourse is clearly intended to produce more than argument. As a process of self-reflexive learning, discourse actualizes certain conditions and interests that, when carried through to their fullest extent, result in a form of self-consciousness aware of itself, its needs, its condition, and its possibilities. This, argues Habermas, constitutes an emancipated state of being. Emanciaption means, "rational," a discursive society modeled on an ideal speech situation: "an organization of social relations according to the principle that the validity of every norm of political consequence be made dependent on a consensus arrived at in communication free of domination."[30]

The state in which communication is free of domination is that of ideal speech. In ideal speech participants seek consensus; they recognize the mutual autonomy and equality of each other; they only allow consensus to be reached through argumentation; and the only compulsion they acceed to is that of the better argument.[31] Though such a state is an ideal, it attains its critical and existential force through its anticipation in the very structure of language and communication.[32] Everytime we communicate with the goal of achieving understanding, the normative foundations of ideal speech are actualized. In so far as individuals are able to master the requirements for ideal speech, they actualize the design and interests of ideal speech--truth, freedom, and justice--but only as ideas.[33] The ideal speech situation, Habermas concludes,

> is neither an empirical phenomenon nor simply a construct, but a reciprocal supposition unavoidable in discourse. This supposition can, but need not be, counterfactual; but even when counterfactual it is a fiction which is operatively effective in communication. I would therefore prefer to speak of an anticipation of an ideal speech situation.... This alone is the warrant which permits us to join to an actually attained consensus the claim of a rational consensus. At the same time it is a critical standard against which every actually realized consensus can be called into question and tested.[34]

Clearly, dialogue in late capitalist society comes nowhere near the standards of rational discourse. Communication in capitalist society is woefully distorted. Nevertheless, cohabiting the very structures of distorted communication is the promise of liberation from that communication via the practice of widespread dialogue and critical reflection upon the truth claims of capitalism. Through critical reflection on the validity claims of capitalist ideology, individuals can dissolve the barriers of distorted communication and achieve a new level of self-consciousness. Dialogue, for Habermas, becomes emancipation. As summarized by Keane:

> Communication structures depict the distinction between essential and apparent reality. Emancipation is posited for us by the contradiction between ideological domination and the potential for communicative practice and reflection.[35]

Critique

The theory of the public sphere, capitalist development, legitimation crises and their solution is profoundly tantalizing and highly provocative. It is also highly problematic in terms of recent political developments and available empirical evidence. Indeed, serious reservations exist concerning the historical accuracy of Habermas' description of capitalist development and the empirical evidence he musters to support his theory of moral development.[36] In the criticism that follows, however, I wish to grant Habermas historical accuracy and empirical integrity. Instead, I would like to focus on the practical realities of practical discourse. My argument is two-fold. First, the structure of practical discourse undermines its goal. Second, the solution that Habermas poses for the public sphere will remain ineffective unless the connection between theory and praxis is re-established via the specification of a subject and a program for the translation of consensus into political action.

My argument rests on the assumption that Habermas' goal is the realization of constraint free discursive will formation in society. The conditions of rational discourse, ideal speech, though counterfactual, at the present time nevertheless constitute the "ought" of society. Ideal speech is the unfolding logic of normative development. Habermas' theory of social evolution leads to the conclusion that at some point in the future society will be organized around the conditions of ideal speech. Moreover, Habermas describes the rules and procedures of discourse in such detail and speaks of discourse in such a way that there can be little doubt he believes it a viable practice capable of being performed by active human agents. Ideal speech is not merely a theoretical construct for critique but an imminent social reality to be actualized in human interaction.[37]

If so, obvious questions arise such as, under what conditions will the public sphere be constituted? Who will be the agents of participation? To whom will its communication be directed? Habermas, perhaps purposefully, has been vague on the conditions and structure of a revitalized public sphere. Clearly though, the private interests of capitalism undermine the public interests of discourse. Thus, communication free of distortion cannot occur unless the private basis of the public sphere is socially reorganized. This would require the participation of a different kind of individual--one who espouses a universalistic communicative ethic. A "public body of organized individuals," who disclaim the tie to private property and particular interests would have to replace individuals who previously only individually related to each other: "only these organized individuals could participate effectively in the process of public communication; only they could use the channels of the public sphere...."[38] Habermas envisions a public sphere that expresses a collective identity, one in which the principles of generality, equal opportunity, and the universality of norms are upheld.[39] The public sphere will become, in effect, an expression of the "developmental logic of world-views," involving a universalistic morality embedded in full participatory democracy, i.e., democratic socialism.[40]

It appears that a revitalized public sphere will be open to all; unfortunately, the formal properties of rational discourse greatly limit the number of participants. To engage in discourse, one must be totally committed to the principle of equality: equal access to speech acts (regulative and constative), equal opportunities to speak, and mutal reciprocity. In order to insure that the only outcome is the force of the better argument, some people will not be allowed to participate:

> Only those speakers are permitted in a discourse who as actors have equal opportunity to avail themselves of representative speech acts.... Only those speakers are permitted in discourse who as actors have equal opportunity to avail themselves of regulative speech acts.[41]

In addition, Habermas' discussion of the formal properties and specific procedures for rational discourse makes it clear that mastery of them lies beyond the means of the average plumber. To engage in progressive radicalization of argument, to continually move back and forth from one level of discourse to the next while maintaining strict equality in speech act exchange (no interruptions!), is asking a great deal of the ordinary communicator, even if that communicator sincerely desires (as he must) to participate in rational discourse.[42] To be sure, Habermas maintains that increasing reflection will lead to greater self-awareness, hence a more competent communicator. But this reminds one of the difficulty of coding interpersonal interaction using Bale's system. No one can do it but Bales himself.

Finally, though Habermas may be reluctant to admit it, the time element involved in rational discourse makes it an activity that could better be performed by a group of professional "discoursers" whose only task would be the consideration of the truth of validity claims. This would seem advantageous because discourse involves the circular movement of rational reconstruction.[43] An achieved consensus is never final, it may be regarded as true, "if and only if the structural possibility exists of inquiring behind, modifying and replacing the warranting language in which experiences at any given time are interpreted."[44] The demands of enlightenment are such that its pursuit cannot be a part-time endeavor. The only drawback, it would seem, to professional discoursers would be an undermining of the structural basis of rational discourse. Yet the requirements of discourse seem to demand them.

Given that ideal speech excludes some individuals on the basis of communicative incompetence; others because they could not shed private interests (politicians or generals or corporation board members would hardly make suitable candidates for rational discourse); others because they could not uphold the requirements for equality and mutal reciprocity; and still others because the demands of capitalist production do not afford them the time for practical discourse; what segments of society are to be the agents of the public sphere? Again, Habermas is vague. But given the conditions of discourse, those most likely to be allowed to participate are the ones who possess a high degree of communicative competency. They would be able to perform at level three in terms of Mead's role-taking categories. They would display a fully developed ego operating at stage six in Loevinger's schema. Finally, their moral development would display a universal ethical orientation, the highest stage of development in Kohlberg's schema.[45]

Few people achieve these cognitive and communicative heights. Since a correlation exists between the higher stages of cognitive development and education, those most likely to meet these lofty criteria are the well-educated, i.e., the intelligentsia. In this respect, Habermas' notions of ideal speech and rational discourse reminds one of Mannheim's Utopia where free-floating intellectuals somehow stand apart from the particular interests of society, nevertheless making rational decisions in the name of general interests. That their decisions would be informed by rational consensus reached in a constraint-free atmosphere thus guaranteeing the victory of universal interests is immaterial. The point is that the conditions required for the actualization of the public sphere undermine its goal: the repoliticization of the citizenry through universal, participatory democracy.

Habermas' answer to the question of who will be the subject of discourse and therefore emancipation reveals the lack of a practical dimension to his theory. Ultimately, the theory of communicative competence and his prescription for the public sphere lacks an agent of actualization. This breaks the dialectical bond between theory and praxis or critique and action leaving Habermas' theory without a rationale or a means for intervention in society. The ropes attached to the swing of critical theory are themselves attached to air.

That Habermas' theory of argument lacks a praxis stems, in part, from his theory of social evolution and cognitive interests wherein he distinguishes work from interaction. In his effort to keep them analytically separate, Habermas forgets that they are dialectically related; and therefore, that one cannot change without a corresponding change in the other. Moreover, and this is understandable, in his zeal to elucidate the interactive dimension of societal development, Habermas tends to undervalue the technical or instrumental and overvalue the interactive. Thus when treating the sphere of interaction, he sees developmental change largely in terms of an internal dialectic of distorted and non-distorted communication. Material constraints receed in the background. On a different level, as Giddens remarks, Habermas' separation of work and interaction removes the locus of power from the material bases of interaction to the communicative bases.[46] Power becomes distorted communication which, for Habermas, can be dissolved through dialogic reflection. As such, the solution to distorted communication, to legitimation and motivation crises, to the inequalities of asymmetrical power relations, is rational discussion.

But this solution denies the dialectical relationship between work and interaction and fails to recognize the material basis of the dialectic between distorted and non-distorted communication. A society freed from distorted communication; and therefore, from distorted power relations, can only occur on the basis of a simultaneous transformation of material conditions, i.e., productive relations. Habermas knows this; in fact, he takes great pains to document the develping material conditions that alter the character of communication in late capitalism. His insistence, then, that a crisis of communication arising from both altered productive relations and developing normative structures can be solved through the institutionalization of the rules for the latter without simultaneously effecting a change in the former is indeed perplexing.

The difficulty Habermas encounters in specifying an agency and a course of action can also be traced in part to the strength of advanced capitalism and its ideology. The examples Habermas gives of students, oppressed women, and various workers movements as catylists for change are not very promising. Certainly there is a lack of co-operation and co-ordination among these groups. On the other hand, oppositional social groups and special interests are powerful, well-organized, and quite willing to protect, by force if necessary, their vested positions. The criticism of Keane is well-taken: Habermas seems to underestimate the lengths to which special interests will go to block and repress discussion and dialogue.[47] In the wake of such opposition to dialogue, identifying an agency for change and developing the practical implications of theory becomes crucial.

This line of reasoning is intended to point to a basic problem with the ideal speech situation and with the notion of discourse as a means to emancipation. As developed thus far, the ideal speech situation is poorly grounded in empirical reality; it tells us little about the practical issues involved in the struggle for social change. The end result--a splitting of theory and practice--is theoretical impotence. In the absence of a concrete program for social transformation, as Keane points out, Habermas gives us truisms: "The Enlightenment which effectuates a radical Verstehen, is always political,"[48] or "in the process of Enlightenment, there can only be participants."[49]

Argument, in and of itself, cannot establish emancipation. The nature of argument, however, and the goals of those who enter into it demands an agency capable of actualizing the directive of truth. Discourse demands a praxis beyond itself. This is because, first of all, people enter into discourse with a practical intention: the acquisition of knowledge and through knowledge, emancipation. Second, the object of discourse, vindicating truth claims, requires their ultimate testing in practice. Third, there is no necessary connection between truth and action. To discover the truth and leave it go at that would be a hollow exercise. Emancipation requires more than enlightenment, it requires praxis. Toward that end, Habermas' theory of the public sphere must address an audience. The theory of communicative competence must be supplemented with a theory of organization if the public sphere is ever to be realized on the basis of a society free of domination. Otherwise, all one has is rhetoric.

Footnotes

[1] The word, "save," is misleading. Habermas does not believe that the public sphere can be saved or maintained in its classical form. His theory works toward the institutionalization of a revitalized public sphere that will resurrect the principles of the old; specifically, free and unconstrained discursive will formation.

[2] Habermas, "The Public Sphere," New German Critique 3(Fall 1974), 49-55.

[3] "Rational," then, means unrestricted. Only discussion that takes place in an unrestricted environment can be considered rational. Therefore, a "rational consensus" can only be a consensus that is reached through free discursive will formation. Habermas, Toward a Rational Society (Boston: Beacon Press, 1970).

[4] "Public Sphere," pp. 49-50.

[5] Habermas, "Towards a Theory of Communicative Competence," Inquiry 13(1970), p. 372.

[6] "Public Sphere," p. 53.

[7] Habermas quoting Karl Bucher, in "The Public Sphere," p. 53.

[8] Ibid., pp. 52-53.

[9] This theme is developed at length in Legitimation Crisis (Boston: Beacon Press, 1975), esp. Parts I, II.

[10] "Public Sphere," pp. 54-55.

[11] Ibid., p. 54.

[12] Toward a Rational Society, pp. 103-104.

[13] "Public Sphere," p. 54.

[14] Quoted by T. A. McCarthy, "A Theory of Communicative Competence," in Critical Sociology, Paul Connerton, ed. (London: Penguin, 1976).

[15] The following discussion greatly oversimplifies and risks distorting an extremely sophisticated, elaborate and complex argument. The reader should consult Legitimation Crisis, particularly parts I and II. Habermas develops these themes further, particularly the distinction between the technical and interactive domains of action and the rise of late capitalist ideology in Toward a Rational Society. On legitimation crisis, the reader might also consult the following sources: David Held

and Larry Simon, "Habermas' Theory of Crisis in Late Capitalism," Radical Philosophers' Newsjournal 6(1976), 1-19; Dick Howard, "From Critical Theory towards Political Theory: Jurgen Habermas," in The Marxian Legacy (New York: Urizen, 1977), pp. 118-152; and David M. Rasmussen, "Advanced Capitalism and Social Theory: Habermas on the Problem of Legitimation," Cultural Hermeneutics 3(1976), 349-366.

[16] Quoted in Peter Hohendahl, "Critical Theory, Public Sphere and Culture: Jurgen Habermas and his Critics," New German Critique 16(Winter 1979), p. 112. Hohendahl's article is the best to appear on Habermas' theory of the public sphere. It traces the development of Habermas' conception of the public sphere and treats the various criticisms of Habermas' theory. It is especially valuable because he deals with the criticisms of German authors whose work is not generally accessible to an English reading public.

[17] Habermas, "The Scientization of Politics and Public Opinion," in Toward a Rational Society, pp. 62-80.

[18] Legitimation Crisis, p. 48.

[19] Ibid., p. 75.

[20] This theme is developed further in two essays found in Communication and the Evolution of Society: "Historical Materialism and the Development of Normative Structures," and "Legitimation Problems in the Modern State," (Boston: Beacon Press, 1979).

[21] Legitimation Crisis, pp. 84-92.

[22] The phrase, "structures of consciousness," is used extensively by Habermas in "History and Evolution," Telos 39(Spring 1979), 5-44. In this essay, Habermas attempts to reformulate historical materialism in terms of the evolution of cognitive capacities, i.e., "structures of consciousness."

[23] Quoted in Hohendahl, p. 114.

[24] Though Habermas argues that these validity claims must be redeemed in any medium of communication, he limits his analysis to a particular class of speech acts, those that are "propositionally differentiated and institutionally unbound." In so doing, he not only excludes from his analysis institutionally bound settings (betting, marrying, christenings, etc.), but any setting in which strategic action predominates (i.e., action oriented toward successful control rather than truth. Unfortunately, most social action, particularly political action, is institutionally bound, and oriented toward the fulfillment of norms rather than consensus. This appears to seriously limit the scope of Habermas' argument. See, "Towards a Theory of Communicative Competence," Inquiry 13(1970),

David Luban makes a similiar charge, that Habermas' theory excludes a great deal of significant communicative action, rendering its use limited. David Luban, "On Habermas, On Arendt on Power," Philosophy and Social Criticism 1(1979), 79-95.

[25] Legitimation Crisis, p. 110.

[26] *Legitimation Crisis*, p. 108. Habermas' programmatic statement on universal pragmatics is "What is Universal Pragmatics," in *Communication and the Evolution of Society* (Boston: Beacon Press, 1979).

[27] *Wahrheitstheorien* (Pfullingen, 1973); translated as "Theories of Truth," trans. Richard Grabau, unpublished manuscript, pp. 22-26.

[28] *Ibid*., pp. 31-33.

[29] Habermas, "A Postscript to *Knowledge and Human Interests*," *Philosophy of the Social Sciences* 3(1973), p. 168.

[30] Habermas, *Knowledge and Human Interests* (Boston: Beacon Press, 1971), p. 258.

[31] "Theories of Truth," p. 31.

[32] Even intentional deception, Habermas maintains, anticipates ideal speech. "Towards a Theory of Communicative Competence," p. 372.

[33] *Ibid*.

[34] Quoted in David Held, *Introduction to Critical Theory: Horkheimer to Habermas* (Berkeley, Ca.: University of California Press, 1980), p. 344.

[35] John Keane, "On Tools and Language: Habermas on Work and Interaction," *New German Critique* 6(Fall 1975), p. 95.

[36] Held and Simon, for example, cite studies by Mann and Giddens that refute Habermas' contention of a depoliticized public. They conclude that at the various systemic levels of society--political, cultural, and industrial--the evidence strongly indicates dissensus and various degrees of self-consciousness existing. Moreover, they argue against the tendency to make global assessments (as Habermas does) about developing human consciousness. Patterns of consciousness vary given cultural situations making global assessments quite difficult.

Even less empirical data exists to support the claim of developmental changes in normative structures toward an imminent realization of a new communicative ethic. Habermas' identification of adolescent developmental patterns, of women and disaffected counter-cultural as evidence of development toward a universalistic communicative ethic rings hollow in the wake of recent British riots, Phyllis Schafley, the disintegration of the New Left, or the recent smashing of democratic reforms in the Democratic Party. In short, Held and Simon conclude, given the available empirical data, there does not seem to be a sufficient basis to identify any emerging organizing principle, such as developing moral structures of consciousness, in advanced capitalist society. Their conclusion is worth quoting: "This is not to say that some of Habermas' suggestions are not powerful and useful, but it is to say that we consider his views both an overestimation of the degree to which capitalist ideology has been eroded, and too 'quick' and 'sweeping' in their assessment of immediately past and contemporary developments." Held and Simon, "Habermas' Theory of Crisis in Late Capitalism," *Radical Philosophers' Newsjournal* 6(1976), p. 15. Also see, Michael Mann, "The Social Cohesion of Liberal Democracy," *American Sociological Review* 35(1970); Mann, *Consciousness and Action Among the Western Working Class* (London: Macmillan, 1972); and Anthony Giddens, *The Class Structure of the Advanced Societies*, especially chapter 11.

[37] See footnote number 34.

[38] "The Public Sphere," p. 55 (my italics).

[39] Hohendahl, p. 116.

[40] *Legitimation Crisis*, p. 122. This theme is further elaborated in "Historical Materialism and the Development of Normative Structures."

[41] "Theories of Truth," p. 33.

[42] *Ibid*.

[43] *Ibid*., p. 31.

[44] *Ibid*., p. 29.

[45] Habermas, "Moral Development and Ego Identity," in *Communication and the Evolution of Society*, pp. 69-94.

[46] Anthony Giddens, "Habermas' Critique of Hermeneutics," in *Studies in Social and Political Theory* (New York: Basic Books, 1977), p. 152. Habermas' recent statements on power seems to confirm Giddens' argument. See, "Hannah Arendt's Communications Concept of Power," *Social Research* 44, I(Spring 1977), 3-24.

[47] Keane, p. 100. See also, Alvin Gouldner, *The Dialectic of Ideology and Technology* (New York: Seabury, 1976), especially chapter 6.

[48] Habermas, "Der Universalitatsanspruch der Hermeneutik," in *Hermeneutik und Ideologiekritik* (Suhrkamp Verlag: Frankfurt am Main, 1971), p. 158, quoted in Howard, p. 150.

[49] Habermas, *Theory and Practice* (Boston: Beacon Press, 1973, p. 40. Habermas has not been indifferent to the charge that his theory lacks a practical dimension. In *Theory and Practice*, he attempts to clarify that relationship by identifying three functions of theory: (1) the formation and extension of critical theorems that can stand up to the tests of scientific discourse; (2) the organization of processes of enlightenment, where theorems are applied and tested through the process of critical reflection by the groups to whom the theorems are directed; and (3) the selection of appropriate strategies, the solution of tactical questions, and the conduct of political struggles. On level one, scientific or theoretical discourse validates the truth claims of theory; on level two, theoretical and practical discourse establishes the truth of theory. Both these levels require a virtualization of the constraints on action, but that does not, according to Habermas, diminish the practical dimensions of theory at these levels. The "processes of reflection," point toward praxis and action, and to the extent that "organizing the processes of

enlightenment" is successful in dissolving reified power relations and distorted communication, then the selection of appropriate strategies, etc., becomes clear.

Theory can point the way to praxis, but maintains Habermas, taking lessons from Marx and Lukacs, it can never directly justify political action. Political action as opposed to theoretical insight is a different kettle of fish: "The practical consequences of self-reflection are changes in attitude which result from insights into causalities in the past, and indeed result of themselves. In contrast, strategic action oriented toward the future, which is prepared for in the internal discussion of groups, who (as the avant-garde) presuppose for themselves already successfully completed processes of enlightenment, cannot be justified in the same manner by reflective knowledge." In other words, the immediate demands of strategic political action often contradict theoretical directives, necessitating a flexible connection between theory and practice. Questions of political strategy are "empirical questions that should not be pre-judged."

Habermas' position that theory should not lock us into a particular course of action is well-taken. But to reject Habermas' position on theory and practice, is not, as he intimates, to embrace views leading to a Stalinist praxis. For Habermas goes too far in the opposite direction. We don't need an iron-clad link between theory and practice; theory does not have to tell us at every moment what to do. At the same time, however, a theory that purports to be emancipatory must at least give us some idea about how to go about organizing the processes of enlightenment. Questions concerning the prospects for workers councils, grass roots organizations, political action committees, and the like, are more than empirical questions--they are theoretical and historical problems as well that cannot be summarily dismissed as incapable of pre-judgment. Ultimately, Habermas' splitting of practical discourse from constraints of action, i.e., from the organization and implementation of the enlightenment process, results in theoretical playtime on the merry-go-round of endless critique. Theory and Practice, pp. 32, 39, 40. See also, Richard Bernstein, Toward a Restructuring of Social and Political Theory (Philadelphia: University of Pennsylvania Press, 1978), pp. 213-225; and Dick Howard, "From Critical Theory towards Political Theory," in The Marxian Legacy (New York: Urizen, 1977), pp. 146-152. Bernstein is sympathetic to Habermas' problem; Howard is not.

JOHNSTONE'S VERSIONS OF RHETORIC

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Over the last few years Henry Johnstone, Jr. has written about the nature of rhetoric in his attempt to come to terms with validity, a problem of philosophical argumentation. During this time his position on rhetoric has shifted greatly from "Persuasion and Validity in Philosophy" to his latest work, "Toward an Ethics of Rhetoric."[1] Johnstone's shifts in position are interesting because his early notion of rhetoric --an extremely unfavorable one--is the sort of notion which many people outside of the field of speech have of rhetoric. And, I would argue, the negative view is a legitimate reaction against some ideas within the rhetorical tradition. But by the time of his latest essay, Johnstone's position has changed, so much so that I believe he is breaking ground on a new conception of rhetoric, a conception which is admirable in the way it meets the charges which he leveled against the "negative" rhetoric of his original view. Johnstone's latest view is a reformulation of basic concepts. Now he understands rhetoric as a fundamental differentia of human being, which, in relation to other defining characteristics, occupies a peculiarly significant position. The two notions important to his new view are those of self-perpetuation and bilateral relationship. In what follows I shall discuss the development of Johnstone's views on rhetoric and point to areas wherein I find difficulties.

I. Johnstone's Early View of Rhetoric

Johnstone's early view of rhetoric is clearly stated in "Persuasion and Validity in Philosophy." In this essay he compares rhetorical argument to philosophical argument in three areas: the implicit agreements between participants, the methods used by each to secure explicit agreement, and the way in which each understands the role of disagreement in the process of argument. Each area is discussed briefly below.

There are obligations implicit in the relationship between a philosopher and his interlocutor and between a speaker and his audience.[2] But these obligations differ one from another. The philosopher operates under the obligation to answer criticism raised by his partner. He can decide whether or not this criticism is legitimate, but some lines of criticism will always be to the point and these he must address. In a similar way, the persuasive speaker is obliged to answer questions and objections raised by his audience. But the reason why he must do so is that if he allows objections to go unanswered, he might fail in his attempt to persuade. Herein lies the difference between the philosopher's obligation and the rhetorician's obligation: the rhetorician meets his obligation so that he may influence his listeners but the philosopher meets his obligation with no ulterior motive, save the one of furthering discussion. Regardless of the outcome of the argument, the philosopher must go where the discussion leads. In contrast, the rhetorician directs the discussion in line with the end he desires.

The second difference between the philosopher and the rhetorician involves method.[3] The philosopher's method is a bilateral one, meaning that the philosopher makes no argumentative moves which are not explicitly announced. And he withholds from his interlocutor none of the relevant facts or data. The rhetorician, on the other hand, "disguises" his argumentative techniques because his audience will recoil from accepting his conclusions to the extent that they perceive they are being manipulated with devices. The rhetorician's method is a unilateral one.

The third difference between the philosopher and the rhetorician is found in their respective views on disagreement.[4] In philosophical argumentation, disagreement between interlocutors is radical because there are no compromises which they can make for satisfactory resolution of a difficulty. The only way a disagreement can be settled is to review the arguments leading to the difficulty. But if these arguments are valid, they cannot be revised so there is no way in which a compromise can be reached. Johnstone views this state of affairs in a positive light. For philosophy involves the articulation and clarification of positions which can only be accomplished in the face of relevant criticism. So, disagreements are "therapeutic" because they lead to sharper, more clearly defined and forcefully argued positions. Thus, in finding disagreement useful, philosophy is an attempt to perpetuate the conditions under which disagreement is possible.

Disagreement in rhetorical transaction exists as something to be overcome. To do so a speaker uses listeners' beliefs, attitudes, and even prejudice in order to secure agreement. And he may do so when he does not share the same views. His role as speaker requires that he use ideas with which his listeners will agree for the purpose of manipulating them in the direction of the end he desires. What the rhetor seeks is closure, a termination of the questions and answers raised and sought by listeners. In operating this way, Johnstone claims that a speaker treats "his audience as an object."[5]

From this essay it is not difficult to see that Johnstone's early view of rhetoric is a negative one when compared to his view of philosophy. The positive features of philosophical argumentation which he cites include a willingness to go wherever the argument leads, an openly revealing attitude toward argumentative moves, and a carefully maintained climate wherein disagreement can emerge. As we shall see, in working out his latest view of rhetoric, Johnstone will reformulate his notions so that rhetoric becomes something very close to his view of philosophical argumentation as it is outlined in this essay.

II. Johnstone's Transitional Views of Rhetoric

In the "Relevance of Rhetoric to Philosophy and of Philosophy to Rhetoric," Johnstone argues that rhetoric is relevant to philosophy not in what it can teach philosophy about persuasive technique.[6] Philosophy has no need for "stylometrics," the only important consideration for philosophers is understanding the point of a philosophical argument. Instead, rhetoric's relevance to philosophy is that a philosophy will take on a particular character depending upon whether it views man as fundamentally a communicating animal or a persuading animal.[7] If a philosophy chooses communication as the fundamental mode, rhetoric becomes an expedient needed only when we lack all the relevant facts. Once we have these facts, however, we no longer need rhetoric for listeners can judge the facts by themselves. Johnstone calls this preference for communication a "familiar philosophical thesis."[8] And I think Johnstone held this position when he wrote this essay.

The relevance of philosophy to rhetoric, Johnstone argues, is that rhetoric stands in need of a clarification of its basic concepts and, since this is a systematic problem on the theoretical level, philosophy is the appropriate method to use in such clarification. The reasons why rhetoric needs an examination of its concepts is that (1) Aristotle's formulation of the relationship between rhetoric and virtue no longer holds, and (2) rhetoric and communication have become separated, the former involving persuasion and the latter concerned only with imparting information.[9] Both factors combine to form a problem for rhetorical theory, i.e., the problem of responsibility for persuasion. If responsibility no longer lies with the speaker, his concern being merely one of securing his goal, then responsibility must lie with listeners. But, if responsibility lies with listeners, all listeners need in order to make up their minds is an unadorned statement of the facts. Hence, communication, not rhetoric, becomes the fundamental mode.

Johnstone does not fully accept this solution to the problem of responsibility for persuasion because he sketches an alternative: the solution to the problem of responsibility for rhetoric is found in the ideas of self-perpetuation and bilateral relationship.[10] Concerning the former, Johnstone proposes the following maxim for rhetoric: "One must persuade in such a way as to maintain the possibility for persuasion." The idea being that only a tyrant or a sophist speaks to silence his listeners' objections because this type of person confuses silence with assent. In this case, we have unilateral relationship. So, Johnstone proposes an an antidote bilateral relationship wherein a speaker places at the disposal of his listeners the data which he has collected and he does so in a way that there are no hidden manipulative techniques.

If these two conditions for responsible persuasion are met, rhetorical argument comes close to being philosophical although Johnstone maintains that while rhetoricians are interested in action, philosophers are not.[11]

By the time we get to "The Philosophical Basis of Rhetoric," Johnstone's position has shifted to the degree that he now understands rhetoric as an activity distinctively human.[12] If he seemed more inclined to regard communication as the basic mode in "The Relevance of Rhetoric to Philosophy and of Philosophy to Rhetoric," he now chooses rhetoric as the basic mode for in order to communicate facts, you have to secure attention, relate the facts in line with the capacity of listeners, and so on. In short, you have to be rhetorical. This is one line of reasoning behind Johnstone's shift of position.

Another line of reasoning is the argument which he made in "Rhetoric and Communication in Philosophy." Here Johnstone closes the gap between rhetoric and communication by a succession of formulations and reformulations of the relationship between them.[13] Rhetoric, in this essay, becomes the elucidation or evocation of morale which is based on the claim that there are standards for responsible argument in which we may place our confidence.[14]

And in "The Philosophical Basis of Rhetoric," Johnstone establishes his claim for the priority of the reformulated rhetoric by an analysis of an attempt of trying to communicate with a computer.[15] The result of this procedure is the argument: since computers cannot reject any input which they have been programmed to receive (without malfunctioning), their perfect receptivity is really non-communication for they are unable to choose and consciousness of choice in accepting and rejecting data is a necessary condition for rhetoric. Thus, for Johnstone, rhetoric has become "the evocation and maintenance of the consciousness required for communication."

Johnstone reinforces his reformulation of rhetoric by observing that there are many things of which we are not conscious, e.g., we fail to hear the weather report coming from the radio when we are concentrating on another task. Since there is no distance between us and the sounds, i.e., the sounds have not become objects of consciousness, we cannot accept or reject what we hear. Only when background sounds become objects of consciousness is there adequate distance for communication. In this way, rhetoric becomes that which drives a wedge "between a person and the data of his immediate experience."[16]

Both notions, that of the evocation and maintenance of the consciousness required for communication and that which drives a wedge between a person and the data of his immediate experience, converge to become that which drives a wedge between a person and his absorption in a "thicket" of unexamined beliefs and assumptions about the way things are. Rhetoric imposes a distance which is necessary for elucidating the meaning of claims about the nature of experience.

The way in which Johnstone's version of rhetoric in "The Philosophical Basis of Rhetoric" furthers the claims of "The Relevance of Rhetoric to Philosophy and of Philosophy to Rhetoric" is with what it does to the notion of responsibility. With its emphasis on making people conscious of unexamined beliefs, suggestion, as a method of persuasion, is ruled out from the start. For suggestion is a "technique of getting a person to accept data in just the way a machine accepts them," i.e., unconsciously.[17] Thus, Johnstone's reformulated rhetoric is a tool against all forms of unconsciousness--"unawareness, naive acceptance, short sightedness, complacency, blind confidence, unquestioning conformity to habits of thought and action," and so on.

Johnstone's reformulated notion of rhetoric is bilateral, urging all persons to become more aware through the articulation and criticism of positions. And his notion is self-perpetuating because "he who is conscious of something will perforce be unconscious of others. This is precisely why the use of rhetoric generates controversy." And controversy is a continuing process.[18]

III. Johnstone's Latest View of Rhetoric

Johnstone's latest essay on the topic of rhetoric[19] is "Toward an Ethics of Rhetoric." In this essay Johnstone seeks a "complete" rhetoric, i.e., one which finds its standard for responsibility within its own domain.[20] Many rhetorics locate responsibility for persuasion outside themselves, relying on standards derived from religious or ethical theories, for example, an ethical theory as utilitarianism. In view of the problem of responsibility in "The Relevance of Rhetoric to Philosophy and of Philosophy to Rhetoric" and in "The Philosophical Basis of Rhetoric," Johnstone's views in this essay are important to an understanding of his final (?) position, a position which rejects rhetorics that turn to external standards for responsibility. Johnstone attempts to articulate a view with the standards for responsibility in rhetoric itself.

Johnstone begins this essay where "The Philosophical Basis of Rhetoric" leaves off, with the claim that man is a persuading and persuaded animal.[21] And it is this very characteristic of man which is presupposed by other differentiae such as "language using, political, rational," and so on.[22] Johnstone also holds to the principle that what is human should be perpetuated although, he claims, it is difficult to establish this principle even though anyone opposing it would contradict himself pragmatically, i.e., his opposition would be an activity which perpetuates rhetorical argument.[23] Johnstone thinks, however, that a version of Kant's Categorical Imperative could be used to support the principle, a version to which we shall shortly return. For now the principle becomes relevant to the notion of self-perpetuation, an idea we have already seen operating in the essays prior to this one.

The notion of self-perpetuation is used in this essay to locate responsibility for rhetoric within the domain of rhetoric itself. Johnstone's argument begins with the claim that it is always possible to deal with someone in a way "that any rhetorical response on the part of the other is foreclosed."[24] The sophist operates in this manner by attempting to suppress "further argumentation." So does "the tyrant, the insulter, . . . the seducer." All of these use a rhetoric which is "dehumanizing and immoral," and they use a rhetoric which terminates in an end, the standard in terms of which this end is measured lying outside of the domain of rhetoric. For to the degree that such rhetoric is successful, its accomplishment is measured by values not belonging essentially to the domain of rhetoric; for example, the tyrant's goal may be happiness which he measures by the degree to which his subjects submit to his will. In order for rhetoric to be autonomous, i.e., supply its own standards for evaluation, it must be non-terminating, i.e., it must maintain the conditions whereby listeners can disagree and can articulate their reasons for disagreement.[25] This very quality of non-termination can serve well as a criterion for judging the aims of rhetorics:

those aims shall be judged successful which continue the rhetorical process, while other aims shall be judged unsuccessful when they put an end to the process. Thus, the quality of self-perpetuation can be the standard for responsibility for rhetoric and it is a standard which comes analytically right out of Johnstone's conception of rhetoric.

Johnstone's standard for rhetoric is based on Kant's Categorical Imperative: "'So act that the maxim of your act could become a universal law.'" His version for rhetoric, which he calls the Basic Imperative, is: "So act in each instance as to encourage, rather than suppress, the capacity to persuade and be persuaded, whether the capacity in question is yours or anothers."[26]

From the Basic Imperative, Johnstone derives two duties a person has to himself and two duties a person has to others. To oneself, one must be resolute: "I must take a stand and bring my own persuasive powers into play with respect to propositions of which others are trying to persuade me." But at the same time, one must be open: " . . . I ought not to turn a deaf ear to the attempts of others to persuade me. I ought to listen to them." Duties to others involve one's addressing "persuasion not violence" to them and one's listening to others for their sake and not for our own.[27]

Johnstone claims that "there are problems with this theory." How do we know when to be resolute in holding our own views and when to be open to the views of others? We cannot answer these questions by saying that we should accept the other's view when the other is correct in what he asserts. For if we answer the questions in this way, we make the mistake of searching for a standard of rightness and wrongness outside of rhetoric. And if this external standard measures the goodness of a claim, what more is there to do than simply to accept the claim, or reject it, and say no more. If we can say no more, our rhetoric is a terminating one and we violate the principle of self-perpetuation.[28]

Johnstone's way around the difficulty is to say that the external standard, whatever it may be, presupposes the Basic Imperative because the Imperative refers to the fundamental characteristic of human being. Even the rationality expressed in Kant's Categorical Imperative presupposes the Basic Imperative. Hence, through this route, we come back to rhetoric to discover that even external standards are contained within or covered by the Basic Imperative, although some of these relate to the Basic Imperative only by violating it.[29]

Johnstone uses an example to clarify his point about the priority of the Basic Imperative. His example is that of someone trying to persuade another person to become a "hit man." If the listener rejects the persuasion because murder is wrong, be is operating according to a religious or legal standard, hence, an external standard. Yes and no, says Johnstone. By killing you radically violate the Basic Imperative because death places the other beyond the capacity to persuade and be persuaded. So, not accepting the "hit man persuasion" becomes an instance of resoluteness according to the Basic Imperative. And other examples can be interpreted in Johnstone's terms.

IV. Summary and Conclusions

We have seen how Johnstone's view of rhetoric shifted from the essay "Validity and Persuasion in Philosophy" to his latest notion in "Toward an Ethics of Rhetoric." What he found problematic about rhetoric in the early view--that it operates unilaterally and that it terminates in an end which is measured by an external standard, the consequence of which is that responsibility for persuasion is located somewhere other than rhetoric--he overcomes by a total reformulation of rhetoric as expressed in the Basic Imperative: "So act in each instance as to encourage, rather than suppress, the capacity to persuade and be persuaded, whether the capacity in question is yours or anothers." And we have also seen some of his intermediate versions of rhetoric--as the evocation and maintenance of the consciousness required for communication and as that which drives a wedge between a person and his absorption in a thicket of unexamined beliefs and assumptions about the way things are.

I am very much in sympathy with Johnstone's varying versions of rhetoric: even the first, negative one is a legitimate interpretation of some rhetorics. There are, however, two lines of difficulty which I have with his notion of rhetoric in "Toward and Ethics of Rhetoric." The first difficulty is conceptual, the second is operational.

Johnstone sees Aristotle's Rhetoric as one of the first to locate a standard for responsibility for persuasion external to rhetoric itself. Here virtue is a characteristic of a person's relation to others which can be inferred by considering the end he chooses to accomplish by the use of persuasion. Rhetoric is simply a means, or method. So, Aristotle's notion of rhetoric is an example of a terminating rhetoric. Other rhetorics are terminating as well, for example, Augustine's ends or goals for rhetoric are determined by religious standards. In the case of both Aristotle and Augustine it is possible to reinterpret these terminating rhetorics by the Basic Imperative. Once we understand rhetoric as a fundamental characteristic of human being, other characteristics--man is a virtuous animal, a religious animal, and so on--can be supported by an underlying, primordial capacity for rhetoric. Thus, my criticism is concerned more with what is missing from "Toward an Ethics of Rhetoric" rather than with what is there. I think Johnstone has provided us with an argument for transforming terminating rhetorics into non-terminating ones, although he did not use the argument in such a way.

My second line of criticism involves the relationship between resoluteness and openness, which, admittedly, he has described as a relationship of tension.[31] Perhaps all I am seeking with this criticism is more clarification about the nature of the tension. But first to explain my difficulty I need to use an example. Suppose in my commitment to "openness," I listen to someone articulate a view radically different from my own. I will most likely discover that I have problems understanding that view unless I learn his "language." Suppose also that I begin this task. Eventually, a time will come when I want to integrate the other's view with my own. And, according to my commitment to "resoluteness," I will want to argue what I have discovered back to the other. Now what happens if the other refuses to listen to my view or to do the work involved in coming to understand it. Given the Basic Imperative, what do I do next?

If I stop listening to the other because the other won't listen to me, my action curtails persuasion instead of perpetuating it. And if I decide to write off the other as a lost cause, I fall into the problem of the philistine, creating an elite audience composed of those who will listen. But if I continue to listen, I allow a unilateral rhetoric to take place because the other will not allow me to offer the criticisms I have nor will he allow me to articulate my own view. In sum, my problem is how do I relate to this other without violating my duties to myself and to the other? I don't have a way out of this dilemma, although during a conversation with Johnstone he said, "Molly, you do the best you can."

Notes

[1] Henry Johnstone, Jr., Validity and Rhetoric in Philosophical Argument (University Park, Pa.: The Pennsylvania State University Press, 1978). I shall examine the following articles which have been reprinted as chapters in this book: "Persuasion and Validity in Philosophy" (hereafter, PVP), Ch. 3; "The Relevance of Rhetoric to Philosophy and of Philosophy to Rhetoric" (hereafter, Relevance), Ch. 6; "The Philosophical Basis of Rhetoric" (hereafter, Basis), Ch. 17; and "Rhetoric and Communication in Philosophy" (hereafter, RCP), Ch. 9. I shall also examine "Toward an Ethics of Rhetoric" (hereafter, Ethics) which Johnstone delivered at the SCA convention in 1979.

[2] PVP, pp. 14-15.

[3] PVP, p. 15.

[4] PVP, pp. 15-19.

[5] PVP, p. 19.

[6] Relevance, p. 39.

[7] Relevance, p. 39.

[8] Relevance, p. 40.

[9] Relevance, p. 42.

[10] Relevance, p. 43.

[11] Relevance, p. 43.

[12] Basis, pp. 124-125.

[13] RCP, pp. 62-69.

[14] RCP, pp. 70-71.

[15] Basis, pp. 128-129.

[16] Basis, pp. 130-131.

[17] Basis, p. 132.

[18] Basis, p. 132.

[19] Johnstone has written two other essays since "Toward an Ethics of Rhetoric." They are: "The Ant in the Sky: Notes for a Philosophy of Communication" and "Communication: Technology and Ethics." The former is concerned with the notion of bilaterality while the latter is, I think, about communication and creativity.

[20] Ethics, pp. 1-2.

[21] Ethics, p. 2.

[22] Ethics, p. 3.

[23] Ethics, p. 3.

[24] Ethics, p. 5.

[25] Ethics, p. 5.

[26] Ethics, pp. 7-8.

[27] Ethics, p. 8.

[28] Ethics, p. 9.

[29] Ethics, p. 10.

[30] Ethics, pp. 11-12.

[31] Ethics, p. 9.

WHAT IS A GOOD ARGUMENT?

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Our first canon of rhetoric is that discourse should be invented thoughtfully: that through inquiry, creativity and criticism the rhetor must select the best available arguments for use in a message. Obviously, this requires that good arguments be distinguishable from bad. To make such distinctions consistently and well is one mark of Aristotle's man of practical wisdom, or of Quintilian's good man speaking well. So the question, "what is a good argument?" has incontestable centrality in rhetorical theory. The purpose of this essay is to evaluate three types of answer to that question.

But it would be precipitous to consider those answers without first explaining what I mean by argument and what will count as an acceptable answer to the title question. These matters are more than preliminaries: the definition, and particularly the criteria for a tolerable answer, implicitly contain the commentaries to be offered on each of our three options.

I understand argument to be simply a movement from evidence to conclusion. This definition is intended to be both neutral and traditional. Certainly it is close to Aristotle: ". . . reasoning is an argument in which, certain things being laid down, something other than these necessarily comes about through them."[2] This description of argument is offered in the hope that it will not exclude many important candidates for our answer.[3]

To count as a sufficient answer, a solution must have certain qualities. Above all, the criterion must itself distinguish good from bad arguments, and do so unequivocally. I mean by this that a rhetor or critic must play an almost wholly neutral role in the decision. He or she may read, but should not determine, the judgment: only the criterion and the specimen argument should be involved in that. The evaluation should be nearly automatic, untainted by idiosyncracy or unique outcome. This is not an unusual requirement. Willard says that Toulmin "depsychologizes argument precisely because couching argumentation principles in personal psychological terms would be a surrender to relativism. His search is for the stable features of rational discourse as manifested in public argument. . ."[4] Personal judgments of an argument's validity will not serve us here.

Further, the criterion must speak both generally and specifically. To be generally articulable is necessary for the solution to be perceived as an answer. If it only operates tacitly and unknowably on a case-by-case basis, we will never be conscious of it as a criterion. A specific voice is also essential. To have a general solution is of little use if it cannot be clearly applied to every given argument. So a proper criterion for good arguments will be recognizable both as an ideal and in particular.

Lastly, because our question is subordinate to the subject of invention generally, I require that the criterion be predictive. That is, it must enable use to *advise* the rhetor (or make informed selections ourselves) rather than just to calumniate or praise after the fact. If a solution is satisfactory, it should tell us whether an argument is good before we make it, while we make it or after we make it: the criterion ought to be indifferent to time.

Considering that these theoretical criteria are fundamental to the analysis that follows, the reader may wonder why I have merely explained them, rather than justifying them at length. I have two reasons. First, I am willing to let the criteria rest on their own intrinsic reasonableness in order to get on with the paper. Secondly, the analysis of possible answers to the title question can be seen as an indirect test of these standards. If an answer is unable to meet a criterion, but is desirable on other grounds (being the best answer we have, for example), the most interesting available conclusion may be that the standard does not apply to that rhetorical theory at all. In this connection, I wish to correct one misapprehension which arose from earlier drafts of this paper: I do not think that every adequate rhetorical theory must include a validity criterion which meets my standards. In fact, some of the more distinctive features of rhetoric may well be related to an unwillingness or inability to provide objective, unequivocal judgments. I will briefly return to this idea at the end of the essay.

Before moving to consideration of the three general answers, I should note that one common answer--effectiveness, or some kind of audience response--is not considered here because the criteria and the nature of the question clearly disallow this solution.[5] Effectiveness is obviously something which can be known unequivocally only after the fact. Reliance on an estimate of an argument's likely impact would make our answer to the question "is this a good argument?" a mere estimate as well. Judgment might have to be continually revised or even put off for several centuries. So besides being non-predictive, the effectiveness criterion is not certain to render clear specific judgments. And perhaps most persuasively, the fact that it makes sense to ask of *either* an effective or ineffective argument, "but was it a good one?" shows that we understand good to mean something other than merely effective. Perhaps for this reason, Perelman is careful to distinguish between "an *effective* argument, which gains the adherence of the audience," and "a *valid* argument, which ought to gain it."[6] Our earlier warning that we would not accept personal judgments of argument validity also points toward rejecting various effectiveness standards. "Truth and validity are onlookers' concepts and presuppose a God's-eye-view of the arena," says Hamblin. When a person asserts "S is true" during an argument, it only means "S," and when a participant says "S, so T is valid," it only means "S, so T." From the arguers' points of view, validity claims merely assert something about acceptability or effectiveness.[7] Effectiveness is an inherently personal standard, and says at least as much about the person as the argument.

One last thing needs to be pointed out before we turn to the three main candidates. The object of this paper is to see if we have any completely rigorous and sufficient theories of good argument, not to determine whether or not everyday judgments of argument quality are accurate. The achievement of normal adulthood is prima facie evidence that an individual has somehow made consistently reliable assessments for many years. Whether these accurate discriminations take place through intuition, are learnable, define native intelligence or occur through approximation (or exact applications) of the criteria to be discussed momentarily, is not at issue in this essay. That we usually can tell good arguments from bad ones does not necessarily mean that we know precisely why we make a certain evaluation; nor does it prevent us from being uncertain, wrong or ambivalent from time to time. Uninformed practice cannot answer our question: only a fully articulate theory of argument can do so satisfactorily.

Publics and Their Incarnations

One family of criteria for good arguments says that a good argument is one that is validated by a public or some part of a public. The most familiar example of this standard, of course, is to be found in the New Rhetoric. There, the universal audience is the personally-constructed ideal to which every speaker ought to appeal. This hypothetical audience of rational informed adults confirms good argumentation through adherence. No speciously-bedizened declamation will seduce the universal audience: only the substance of the matter at hand can win favor.[8]

Public grounding of argument is important for other writers as well. Bitzer says that a public possesses a core of principles and knowledge which constrain, supply and validate the best rhetoric. Good public argumentation draws on those fundamentals to maintain and advance the community's store of ideas.[9] Also concerned with a decay of the body politic, Lippmann hopes to re-establish the "public philosophy," which will show more clearly what choices America ought to make. A new assertion of our traditional principles is in our public interest, which "may be presumed to be what men would choose if they saw clearly, thought rationally, acted disinterestedly and benevolently." The public philosophy would thereby express "the interest of an invisible community over a long span of time."[10] Dewey, too, sees in the community the source of both argument standards and the knowledge which public argumentation must process, if the public is to re-embody itself properly.[11]

These authorities are enough to illustrate the general idea: that a good argument is one which draws on public knowledge and moves in a publicly acceptable fashion toward conclusions which are therefore convincing to the community in question.[12] The intent of this position is to provide an ideal which will lift rhetoric from the realms of sophistic, eristic and irrelevancy to the status of something that "may be able to speak what is pleasing to the gods," as Plato would have it.[13]

This view provides a valuable ideal of good argument, but in specific cases, the public is mute. It is not really intended to materialize and judge every argument in its domain. Lippmann emphasizes the purely normative function of the public when he observes, "There is no point in toying with any notion of an imaginary plebiscite to discover the public interest. We cannot know what we ourselves will be thinking five years hence, much less what infants now in the cradle will be thinking when they go into the polling booth."[14] The authors of the *New Rhetoric* italicize this same idea to preclude misunderstanding: "*The agreement of a universal audience is thus a matter, not of fact, but of right.*"[15] The point of holding up public adherence as a standard, then, is only to provide an inventional goal. The public *qua* public is not expected to validate or decry individual arguments. Being voiceless in specific, the public cannot satisfy our criteria.

We can see these same difficulties in two recent argumentation theories which are closely related to the notion of public. Wallace sites rhetoric squarely within ethics, saying that ". . . the basic materials of discourse are (1) ethical and moral values and (2) information relevant to these."[16] He then goes on to say that

> . . . the measurement of validity in practical discourse quite commonly resides in the general principle and its applicability. . . . X should not have copied from Y's paper, for in doing so he cheated, and cheating is wrong. In this case, clearly there are facts that could or could not be established. Clearly, the general principle, "cheating is wrong," is relevant and functions as a warrant. The principle is applicable, or is applicable as qualified, if particular circumstances call for qualification. The principle itself is valid to the extent that it corresponds with the beliefs and conduct of the group which gives it sanction.[17]

Useful as Wallace's theory is, it obviously depends for its validity judgments upon being able to assess the correspondence of a value to social standards, and the applicability of the value to the argument.[18] These two issues resolve themselves into arguments about normativeness and relevance, and the validity of *these* arguments must ultimately appeal to some more fundamental criteria. A similar problem would arise if one were to try to derive validity criteria from public conventions regarding conversations. Jacobs and Jackson have shown how "having an argument" (i.e., interpersonally) involves abiding by a number of conversational rules.[19] If a valid argument were defined as one which is rule-governed, we would still be left with the problem of deciding how to tell if a conversation fits the social norms. In a specific case, we would argue about whether the conversants obeyed the rules, and we would need different validity criteria for *these* arguments (which might or might not be interpersonal). So apparently the standards of a public do not lend themselves to the detailed analysis required in order to say that an argument is valid or not, and this seems to be true whether the public is an ideal, or whether it is society at large.

But particular audiences can be used to make the public incarnate; perhaps this variant will satisfy our needs. Elite audiences are especially important as representatives of universal audiences. An elite--say of philosophers or experts on the economic consequences of some policy--renders the public more concrete, more accessible.[20] Another particular audience which is specially pertinent here is the single interlocutor who cooperates in dialectic with the rhetor. The point of dialectic may be seen as the identification of knowledge which can then fuel arguments.[21] Dialectic constitutes a critical evaluation of hypotheses or arguments already suspected of unsoundness.[22] Particular audiences, then, are physically present and fully capable of pronouncing judgment on specific arguments.

The problem is that presence has been bought at the price of the ideal. The fact that a particular audience is supposed to represent a universal one should not obscure the fact that an elite can only approximate a public. Nor can a single individual be relied on to make all the objections, withhold exactly the right assents, make precisely the correct concessions, as the ideal might require. In one passage, however, Socrates seems to say otherwise: "If at any point in our discussion you agree with me, that matter will already have been adequately tested both by you and by me, and there will no longer be any need to refer it to any other touchstone," he tells Callicles. "For you would never have agreed with me through lack of wisdom or excess of modesty, nor again would you agree with me with intent to deceive. . . . In fact, then, any agreement between you and me will have attained the consummation of the truth." But what must not be overlooked is the context of this statement. Socrates has just skewered both Gorgias and Polus, and Callicles may be a candidate for more "inquiry." To draw him in, Socrates resorts to unabashed flattery: meeting Callicles is a godsend; Callicles is blessed with knowledge, good will and frankness; he is wise, well-educated and a good friend.[23] If all this is serious, it strikes the modern reader as badly overstated and far too trusting.

The point, then, is that a real audience will have real foibles: unique values will be unexamined, criticisms may be missed, and a good argument be rejected or a bad one confirmed. How often these things happen will of course depend on the quality of the people involved. But error is obviously possible for a particular audience; over the long run, in fact, error is certain. So long as an inaccurate judgment on a specific argument is possible, our criteria have not been rigorously met. Besides, there is nothing axiomatic about a dialectical encounter. If dialectic did produce only valid argumentation, we would still be within our rights to ask how it happens, what a valid argument looks like, and what standards of argument dialecticians use. The same goes for rhetoric addressed to any elite. So our title question would remain unanswered in specific.

Neither publics nor their incarnations properly answer our question. The notion of a public enunciates a fair ideal for argument, but allows no chance of specific assessment; incarnations are concrete enough, but cannot guarantee exact application of the ideal. We need to consider another possible solution.

Logic

Perhaps the most traditional description of a good argument is that it has valid form and true premises. This formulation has unquestionable value in the realm of logic, but for rhetoric we need to examine it carefully. To do so, we should begin by noticing explicitly that discourse which actually has (on its face) valid form and true premises is not rhetoric. "The duty of rhetoric," says Aristotle, "is to deal with such matters as we deliberate upon without arts or systems to guide us, in the hearing of persons who cannot take in at a glance a complicated argument, or follow a long chain of reasoning. The subjects of our deliberation are such as seem to present us with alternative possibilities: about things that could not have been, and cannot now or in the future be other than they are, nobody who takes them to be of this nature wastes his time in deliberation."[24] So demonstration will not be encountered during the study of rhetorical discourse. The main trouble this presents us in using the criterion of demonstration is that we will somehow have to massage arguments to stand them alongside the logical measure.[25]

Assuming two uncertain things to be true will expedite the analysis. First, I wish to stipulate that epistemological grounds can be found such that true and false propositions can in principle be identified as such without error.[26] To explore the likelihood that this premise is accurate would take both this essay and its author far beyond their limits, nonetheless, strong advocacy of logical criteria may eventually require such a study. Secondly, we ought to specify that an ordinary statement can be transformed into one or more logical propositions without any serious changes in meaning. This too is fundamentally disputable,[27] but if we are to study the relation between logic and rhetoric, we need to assume that one is at least possible.

In assessing the goodness of rhetorical arguments, the critic has three broad options if he/she is to march under the banner of logic.[28] The first of these is to view the argument as it stands in the message, without regard to the arguer or the audience. This approach is doomed because rhetoric is enthymematic. That is, the message will contain only part of the argument; in terms of the logical standard, premises will be missing, and no judgment at all will be possible.[29] The argument can be emended in two ways, and these are the critic's other two options.

One is to finish the argument by supplying the missing items from the speaker's point of view. Translating the enthymeme back to the arguer makes the speaker's invention the focal point of evaluation. But this approach is problematic because the arguer may not have invented a complete argument in the first place. If the argument is inherently incomplete, to fill it in and then judge it involves criticism of an argument radically different from the one invented. Besides, this suggests a more troubling flaw: how is it to be filled in? Assuming (as we must if we are to make a general argument here) that the arguer is unavailable for interrogation, the critic will need to finish the argument.

But filling in the argument presupposes a judgment of logicality. Suppose an arguer says, "automobiles (A) are dirty, offensive pollution--spewing things (B), and so we ought to keep them out of our cities (C)." The speaker has provided a premise--A is B--and drawn a conclusion--A is C. If the critic believes the argument to be a logical one, the added premise will be "B is C"--perhaps "anything that dirties our cities should be forbidden from them." But if the critic is for some reason hostile to the argument or speaker, or supposes a different premise to be a more accurate reflection of the real invention, this might be supplied: "rural life is dirty and degraded" (C is B). This emendation, of course, makes the full argument invalid. Nonetheless it might just as easily been the speaker's original idea. Perhaps a simpler example will help further. The enthymeme "Caesar deserved death because he was a tyrant" can be completed in two very plausible ways. A generous critic might lend "all tyrants deserve death," in which case the full argument is valid. But if the critic were less forthcoming, the supplied premise might be "some tyrants deserve death," leaving the argument invalid. The whole procedure puts the critic in the position of evaluating his/her own argument, not the speaker's. Judgments of purity are too easily dominated by the last materials to be mixed in.

The critic's other main logical option is to fill in the argument from the audience's vantage. Since this will also involve "completing" the enthymemes, the previous objections can be applied here too, and are sufficient to show that a logical standard cannot be modified to serve in this fashion either. But since it is traditional to fill enthymemes out with the audience in mind, I wish to point out several other problems with that procedure.

The basic difficulty, which shows itself in several ways, is that the argument in the message can be expected not to correspond with the argument the audience is dealing with. In the first place, some types of sentences are systematically misunderstood; the sentence's implication, and not its logical meaning, is received. On recall tests, people hearing "the hungry python caught the mouse" reported having heard "the hungry python ate the mouse." "Dennis the Menace sat in Santa's chair and asked for an elephant" was thought to be "Dennis the Menace sat in Santa's lap and asked for an elephant." And "the flimsy shelf weakened under the weight of the books" was reported as "the flimsy shelf collapsed under the weight of the books."[30]

Besides sometimes being more sensitive to implications than to the sentences themselves, people also react more to their own thoughts about a message than to the message itself. In several experiments designed to test the relative importance of personally-generated beliefs as opposed to statements contained in a message, several Ohio State researchers asked respondents to list their thoughts during or after reading persuasive messages. Listed thoughts were classed as coming from the message, being modifications of the message statements, or being generated wholly by the respondents. Predictions of attitude change were about three times better when based on recipient-generated thoughts than when based on those drawn from the message (modified message beliefs produced intermediate predictions). Worse (from the stance of someone trying to fill in an enthymeme), audience members listed twice as many self-generated thoughts as message ideas (the modified message beliefs were in between again). And when measures were taken a week after exposure to the message, recall of message ideas was barely related to attitude at all, while recall of one's own reactions to the message predicted opinion fairly well.[31]

These two problems may well be related to a third: that people sometimes make errors on logic tests.[32] One plausible interpretation of these errors is that people supply extra premises or make illicit conversions (e.g., from "all B is C" to "all C is B"), changing the problem. Certain investigators, acting as critics completing enthymemes might act, have identified the premises which, if used by subjects, would make the wrong solution right.[33]

In short, the critic has only a slim chance of identifying the argument which the audience actually uses. Accurately translating an enthymeme forward to the receivers seems even more hopeless than translating back to the speaker's invention. And of course, if the translation is problematic, evaluations based on it are equally unreliable.

Before leaving the topic of logic, though, we should consider another strategy for evaluating arguments. Granting that we cannot directly identify good (i.e., logical) arguments, perhaps we can find the bad ones, and so discover the good ones indirectly. Fallacies might serve us here. Formal fallacies--those concerned with valid form--need not detain us, because the previous arguments showing logical form to be undiscoverable also preclude any rigorously-applicable means of finding illogical ones. As to the fallacies of substance--appeals to authority, or *post hoc ergo propter hoc*, for example--I have several concerns. First, the various lists of such fallacies have never struck me as being necessarily inclusive. That is, the lists just seem to contain some classes of bad arguments, without any unifying principles, and so without any guarantee of covering the whole realm of argumentation. Without such a warrant, of course, we could not be certain of catching all the bad arguments, and so might mis-identify some bad ones as good.

The second concern is that there seems to be little agreement on what constitutes a fallacy. "Someone else thinks so too" is sometimes labeled the fallacy of authority, on the grounds that another's opinion about an argument's conclusion is not germane to the argument. Yet persuaders are usually told to cite authoritative support of various kinds, as scholars use footnotes. This cannot *in general* be a fallacy. Argument *ad hominem*--wherein one refutes an opponent by showing an inconsistency between the opponent's present and past positions--could be a fallacy on the basis that a past claim has no necessary relevance to the present chain of reasoning. But Johnstone sees this type of argument as not only rational, but as the foundation of philosophical reasoning.[34] The *post hoc* fallacy--B is observed after A, so A causes B--is perfectly accurate in our phenomenal worlds most of the time: how can this be a fallacy if it takes us from true premises to true conclusions?

Fallacies, then, are not reliable ways to classify bad arguments.[35] True, many bad arguments have the form of one fallacy or another--but so do some good arguments. What seems to happen is that a critic sees a bad argument, and then hunts through a list of fallacies until a properly pejorative label is found. Badness is identified before fallaciousness, and so the latter will not satisfy us here as a primary criterion.

So "what is a good argument?" is not answered by "a logical one." Though logic is another valuable ideal for argument, like the various publics we examined, it does not speak unequivocally in specific cases. The inherently enthymematic nature of argumentation and the irrelevance of form to fallacy are insuperable bars to the use of these criteria in a rigorous, objective fashion. Only one more answer to the title question remains to be examined.

Field Dependence

A body of discourse may center around a particular topic or topics, and involve a certain community of arguers and audiences: we may call this union of topic, discourse and community a field of argument.[36] The notion of field sometimes merges with the idea of a public,[37] and is often used in discussions of argument validity. Fields, whatever they are called by a particular writer, are sometimes awarded powerful--nearly deterministic--control over argumentation. For instance, Perelman says

> The strength of arguments therefore depends considerably on a traditional context. Sometimes the speaker can take up any subject and use any kind of argument. But there are times when his argumentation is limited by custom, by law, or by the methods and techniques peculiar to the discipline within which his argument is developed. The discipline often determines also the level at which the argumentation must be presented, laying down what is beyond dispute, and what must be regarded as irrelevant to the debate.[38]

This view sees both form and content as dictated by the field. We can study this position in its clearest light by looking at the example of science. The basic mode of scientific inference is "If Hypothesis is true, then Evidence will be true; E is true; so H is true." This inference pattern summarizes the way hypotheses are tested through prediction.[39] In logical terms, the general argument is quite clearly invalid (the fallacy is called affirming the consequent). This invalidity is itself suggestive evidence that the field (science) deterministically requires a peculiar argument form.[40] That fields also dictate substantial content is more commonly noticed, and relevant passages may be found in work as early as Aristotle's.[41] "Substantial content" refers not only to the kinds of topics which a field's arguments may entertain, but also includes standards which say what is a good argument and what is not. A fully developed field theory therefore has the potential to solve the problem I have posed in this essay's title. I see four ways in which fields might generate appropriate judgments.

First, we could compare an argument's conclusion to its field's doctrine. On this standard, a good argument is one which comes out right. Religious disputes can be checked against church dogma; a potential Guardian's dialectical responses can be compared to the interlocutor's knowledge of Plato's Forms; the right view of the universe is the one in which everything orbits around man (or the earth, or the sun). The field of argument is in part defined by the possession of a gospel, whether scientific, religious or social, which is the truth for all arguments in the domain. As McKerrow says about arguments within the social community, "Social argument involves and uses as its motivating force the accepted modes of thinking within a culture to promote socially defined ends."[42]

This is obviously no solution to our problem: it checks only the product and not the process of argument. An argument, recall, is a movement from evidence to conclusion; full evaluation must take that movement into account, and well as the premises and the claim. Because the doctrinal criterion does not directly examine the process of argument, it is largely irrelevant to our question.

The idea that a field controls the substantive content of its arguments suggests that we consider several content-based validity criteria here.[43] First of all, consider topoi. One way the idea of argument topics has been extended into our time is in the form of new inventional standards. For example, we have the stock issues for policy analysis, or possibly Dewey's stages of reflective thinking. The theory here is that if each of the subordinate standards is substantively satisfied, the overall argument will be valid. An important recent examplar of this kind of inventional strategy is Fisher's criteria for good value argument. He says that to test whether a good reason has been given, one must determine (1) what values are embedded in the message; (2) those values' relevance to the overall claim; (3) the consequences of accepting those values, (4) whose experience or wisdom validates the values; and (5) whether these are the best values on which to base the decision in question.[44] These ideas are, I think, essentially a system of stock issues for value dispute.

Is Fisher's analysis of value argument sufficient to show how the field of ethics can identify valid and invalid argumentation? Not completely. Even granting the usefulness of Fisher's five issues, he does not explain precisely how to evaluate the resulting answers. How does the field of ethics define "relevance," for instance? Exactly how can we tell which of two competing values is "best" for a particular dispute? Fisher does not address such problems in detail. These kinds of decisions can only be made with the aid of good argumentation. Since Fisher does not specify what these subordinate good arguments are like, his theory presupposes--but does not identify--valid argumentation. This work, like much of the rest we have reviewed here, is a valuable ideal, but it does not help us much with the microscopic judgments we seek to make.

Another validity standard which relies on a field's control of its substance is what we might call the proof-disproof ratio. Here, the critic studies the field as a whole to judge an argument: he/she considers all the argumentation favoring a claim, all the opposition to the claim, and then the claim's asserted strength. If the claim is accurately qualified, it is valid. Invalid claims may be overstated, or too modest.[45] Perelman, for instance, uses the ratio of proof to disproof to help explain what he means by "strength of argument": ". . . intensity of adherence as well as relevance are at the mercy of argumentation directed against them. Thus the strength of an argument shows itself as much by the difficulty there is in refuting it as by its inherent qualities."[46] The familiar phrase prima facie also acknowledges the importance of opposing argumentation in the initial evaluation of a case's validity.

The fundamental problem with this approach is that it will not yield clear, reliable, permanent judgments. Even if it is true in principle that a field controls its content, a person must finally weigh the proof against the refutation. The critic must be able to generate all the available arguments for and against a claim. This effort will owe much to individual characteristics, such as creativity, expertise, thoroughness and so forth. One of the original standards that we set out in the beginning is that the judgment of validity ought not be idiosyncratic, and this procedure obviously fails that test.

The last and perhaps most usually considered way a field might distinguish good arguments from bad is through the use of previously validated arguments. These are arguments in which the warrant of the data's bearing on the claim is already established, and in which directions for using the warrant are clear. For example, social scientists have settled on a five percent chance of error as the cutoff for believing in a phenomenon. Thus, if the difference between two groups' average scores has a four percent probability of appearing by chance, the difference is formally concluded to be real; if the chance is thirty percent, the difference is adjudged aleatory. In short, the community has validated an argument form having a substantive warrant. This argument can be used indefinitely by pushing new premises through the warrant and extracting suitable conclusions. Each such use would automatically be a good argument.

Certainly this procedure is quite useful on a day-to-day basis within a community. But as a general description of good arguments, it is defective. First, I see no reason to believe that all arguments occur within such topic-centered fields.[47] And even for those that do, surely not all arguments are merely replications of exemplars. If only replicatory arguments are good ones, a huge quantity of reasons tacitly recognized as good will be labeled bad. If, on the other hand, the field solution only means that replicatory arguments are good, without prejudice to unique arguments, then the account does not produce the general solution we seek. Second, the solution is not reflexive. I mean that it does not explain what good reasons justified the exemplars during the field's emergence. Paradigms change, but a field cannot generate its own revolutions: somehow, awarenesses and evaluative standards must come from outside the paradigm and refute the exemplars. Since the same good pre-revolutionary argument can be a wretched post-revolutionary one, we obviously do not have here our general description of how to identify good arguments in particular cases.

Conclusion

The rather depressing conclusion to be drawn from this essay is that we cannot specify what a good argument is. We have developed several admirable general statements of what a good argument should be, but these do not lead to reliable empirical tests of whether the ideal has been realized. Certainly, we make evaluative judgments in particular cases, but the grounds for such choices are unclear. Possibly those arguments we judge to be good ones are those that look logical to us; maybe we try to step outside our particular rhetorical situation to estimate the reaction of some universal public; or perhaps we match conclusions or warrants to those we already approve of. But whatever the procedures, they evidently lack the theoretical validation we have been searching for here. "In effect, to the extent to which our intelligence falls short of the ideal of precise formalization, we act and see by the light of unspecifiable knowledge and must acknowledge that we accept the verdict of our personal appraisal. . ."[48] It would indeed be ironic if the correct evaluation of argument--a central problem in all intellectual effort--turned out to be nothing more than a knack.

My arguments also lead to another inference, one with perhaps more far-reaching implications for rhetoric. If we may assume that all rhetorics envision argumentation as criticizable, and if I have been right in this paper, then it follows that every rhetoric must forego at least one of my original standards. The rejection of any of these premises will have elaborate consequences for the rhetoric's structure.

First, the theory may not insist that the judgment of validity be "nearly automatic, untainted by idiosyncracy." Different critics will be expected to produce different criticisms. There will be no canon of "correct" criticism; instead, each critic will experience an argument in his/her own way, and produce a personal reaction. Possibly the worth of such criticisms will be judged on extra-theoretical grounds (quality of composition in the critical essay, for instance). Certainly there will exist no expectation that criticism is cumulative, that a new critic of Lincoln will necessarily advance our knowledge of him. We could never enter a period of what Kuhn would call ordinary science, and no topics could ever be foreclosed or settled by any number of critical essays. Kinneavy might call such essays expressive or literary; he would class more "nearly automatic" criticism as scientific or persuasive, I think.[49] So rejection of this first standard seems to require a particular purpose for critical discourse. Naturally, any theory from which an expressive criticism derives will tend to be humanistic and uninsistent on any but the most global principles.[50]

A rhetorical theory could conceivably provide no ideal for valid argumentation. This would amount to bypassing the whole notion of validity entirely. Such a theory would be descriptive.[51] Rhetorical criticism from such a base would be scientific, in Kinneavy's terms. Criticism could be cumulative within a paradigm, and the quality of descriptive criticism would be judged by reference to whatever methodological standards the field might mandate. Critics working out of such a theory might well be tempted into "cookie cutter" criticism, using Aristotle or Perelman (sans ideals), for instance. But mechanical work is not inherent to descriptive theory. Some scholars might well be willing to sacrifice possession of an ideal of valid argumentation in order to gain cumulativeness.

As this essay has demonstrated, many of our theories have chosen to bypass specific judgments of validity in order to sustain an ideal. In such a theory "validity" takes on a different meaning--it can characterize a body of standards, but can never describe a specific argument (including the arguments supporting the ideal standards themselves). For all practical purposes, then, such theories have no critically-applicable validity components. The frequency with which this strategic choice has been made may well explain why so little argument criticism has been stimulated by some of our more interesting recent theories. The essays which are to be written may borrow specific standards from another rhetoric, or may choose not to make critical judgments about specific arguments at all. The first option seems unlikely on grounds of conceptual coherence;[52] the second would produce papers with a decidedly expressive flavor. The major challenge to such theories is to resolve the tension between the ideal and the specific instance; I think our most self-conscious attempt to do this is probably the *New Rhetoric*.

A last alternative is to reject my specification that the judgment be univocally predictive. *Post hoc* judgments, very possibly based on effectiveness or some other actual reaction, could be unambiguous and meet all the other criteria. Such theories could still be predictive ("a fear appeal will probably produce a negative effect unless you present a solution, too"), but any estimates made before the event will necessarily be tentative to some degree. This kind of approach seems well suited to merge with descriptive theory, and to yield carefully documented historical criticism.

These final comments have, I hope, shown how essential the issue of argument validity is for rhetorical theory. How (or whether) a theory tries to answer "what is a good argument?" affects some of the theory's most important features, features which are not obviously related to the first canon. Consequently, some of the issues I have raised here seem to have the potential to ground criticism of theory.

Footnotes

[1] The original draft of this paper was prepared for a National Endowment for the Humanities Summer Seminar for College Teachers titled "Rhetoric, Argumentation and Public Competence," held at the University of Wisconsin (Madison) in August, 1978, and directed by Lloyd Bitzer.

[2] *Topics*, trans. W. A. Pickard-Cambridge, *Great Books of the Western World*, vol. 8 (Chicago: Encyclopedia Britannica, 1952), I.1.100a25. My definition, however, by not insisting on "necessarily"--as Aristotle would not if he had been discussing rhetoric and not dialectic--is less restrictive. In *Rhetoric*, trans. W. Rhys Roberts, *Great Books of the Western World*, vol. 9, I.2.1356b14-17, Aristotle says, ". . . when it is shown that, certain propositions being true, a further and quite distinct proposition must also be true in consequence, *whether invariably or usually*, this is called syllogism in dialectic, enthymeme in rhetoric." (My italics)

[3] Unavoidably, some work *is* inconsistent with my definition. For example, see Ray E. McKerrow, "Validity and Rhetorical *Logoi*: The Search for a Universal Criterion," presented to Speech Communication Association, New York City, November 1973. McKerrow says in this dialogue- and existentialism-based paper, "The criterion of validity is whether or not the argument defeats the union, weakens the cement that binds us together" (p. 9). A related position concerns itself primarily with interpersonal argument, saying that argument should mean "a kind of interaction," and that it "is not a kind of reasoning so much as a kind of relationship into which people enter." Charles Arthur Willard, "A Reformulation of the Concept of Argument: The Constructivist/Interactionist Foundations of a Sociology of Argument," *Journal of the American Forensic Association*, 14 (1978), 125. Some other writers also tend to see argument as being, to a greater or lesser degree, a species of interpersonal communication. See Daniel J. O'Keefe, "Two Concepts of Argument," *Journal of the American Forensic Association*, 13 (1977), 121-28; Henry W. Johnstone, Jr., "Rationality and Rhetoric in Philosophy," *Quarterly Journal of Speech*, 59 (1973), 381-89; and Thomas B. Farrell, "Validity and Rationality: The Rhetorical Constituents of Argumentative Form," *Journal of the American Forensic Association*, 13 (1977), 142-49. These writers might be tempted to say that a good argument is a socially responsible one. But since responsibility, authenticity, dialogic genuineness and the like are probably not rigorous enough for my purposes here, our search is not seriously affected by this exclusion. Much of the research and theory on what O'Keefe calls argument$_2$ tends to be descriptive rather than normative, and does not find itself naturally addressing the question of argument validity. Some of this work bases itself in the idea of a public, or a community of some kind, and that material will be considered later in this paper.

[4] Charles Arthur Willard, "Some Questions About Toulmin's View of Argument Fields," in Jack Rhodes and Sara Newell (eds.), *Proceedings of the Summer Conference on Argumentation* (Alta, Utah: Speech Communication Association/American Forensic Association, 1980), p. 361.

[5] But for an unusually philosophical and well considered exploration of the possibilities involved with effectiveness standards, see C. L. Hamblin, Fallacies (London: Methuen, 1970), ch. 7.

[6] Ch. Perelman and L. Olbrechts-Tyteca, The New Rhetoric: A Treatise on Argumentation, trans. John Wilkinson and Purcell Weaver (Notre Dame, Indiana: University of Notre Dame Press, 1969), p. 463.

[7] Hamblin, pp. 242-43. The quotation is from p. 242.

[8] Perelman and Olbrechts-Tyteca, secs. 6-7.

[9] Lloyd F. Bitzer, "Rhetoric and Public Knowledge," in Don M. Burks (ed.), Rhetoric, Philosophy, and Literature: An Exploration (West Lafayette, Indiana: Purdue University Press, 1978).

[10] Walter Lippmann, Essays in the Public Philosophy (Boston: Little, Brown, 1955), pp. 41-42.

[11] John Dewey, The Public and Its Problems (Chicago: Swallow Press, 1927), pp. 158-60.

[12] This general position has attracted an impressive array of advocates. For instance, Karl R. Wallace, "The Substance of Rhetoric: Good Reasons," Quarterly Journal of Speech, 49 (1963), 239-49, says, "What a good reason is is to some extent fixed by human nature and to a very large extent by generally accepted principles and practices which make social life, as we understand it, possible" (248). Farrell holds that ". . .the actual premises of rhetorical argument may be regarded as valid, based upon their relation to the social knowledge attributed to specific audiences" (147). A final sample is from Ray E. McKerrow, "Argument Communities: A Quest for Distinctions," in Rhodes and Newell, pp. 214-27: In a socially grounded argument, "What counts as 'truth,' however, is determined by the social community, and not by some external standard of truthfulness. In this manner, the truths. . . may be no more than the accepted myths of the prevailing ideology" (p. 216).

[13] Phaedrus, trans. R. Hackforth, in Edith Hamilton and Huntington Cairns (eds.), Plato: The Collected Dialogues (Princeton, N.J.: Princeton University Press, 1961), 273e.

[14] Lippmann, p. 41.

[15] Perelman and Olbrechts-Tyteca, p. 31. They explain that the adherence of a universal audience ". . . refers of course, in this case, not to an experimentally proven fact, but to a universality and unanimity imagined by the speaker, to the agreement of an audience which should be universal, since, for legitimate reasons, we need to take into consideration those which are not part of it" (p. 31).

[16] Wallace, 240.

[17] Wallace, 248.

[18] This is one of many similarities between Wallace's position and that of Walter Fisher. See Walter R. Fisher, "Toward a Logic of Good Reasons," *Quarterly Journal of Speech*, 64 (1978), 376-84; and Walter R. Fisher, "Rationality and the Logic of Good Reasons," *Philosophy and Rhetoric*, 13 (1980), 121-30. Fisher's ideas are distinctive in other respects, however, and I will deal with them in their own right later in this paper.

[19] Scott Jacobs and Sally Jackson, "Conversational Argument: A Discourse Analytic Approach," in J. Robert Cox and Charles A. Willard (eds.), *Advances in Argumentation Theory and Research* (Carbondale, Ill.: Southern Illinois University Press, forthcoming); Sally Jackson and Scott Jacobs, "Structure of Conversational Argument: Pragmatic Bases for the Enthymeme," *Quarterly Journal of Speech*, 66 (1980), 251-65; and Scott Jacobs and Sally Jackson, "Argument as a Natural Category: The Routine Grounds for Arguing in Conversation," *Western Journal of Speech Communication*, 45 (1981), 118-32. Several other articles using a similar approach are also pertinent. See Robert E. Nofsinger, Jr., "On Answering Questions Indirectly: Some Rules on the Grammar of Doing Conversation," *Human Communication Research*, 2 (1976), 172-81; and John Waite Bowers, Norman D. Elliot and Roger J. Desmond, "Exploiting Pragmatic Rules: Devious Messages," *Human Communication Research*, 3 (1977), 235-42. However, I wish to emphasize that I do not mean to imply that any of these authors intend their work as a normative answer to "what is a good argument?" I am including this discussion because I think that others might find a plausible answer in this work, and because this research offers a particularly concrete example of public criteria.

[20] Perelman and Olbrechts-Tyteca, secs. 7-8; Dewey, pp. 123-24.

[21] Plato, *Republic*, trans. Paul Shorey, in Hamilton and Cairns, 6.511; *Phædrus*, 273; Perelman and Olbrechts-Tyteca, sec. 8.

[22] Aristotle, *Topics*, I.2; Plato, *Republic*, 6.511.

[23] Plato, *Gorgias*, trans. W. D. Woodheard, in Huntington and Cairns, 486e-487e. The compliments immediately precede the quoted statement, which I regard as a continuation of the bait. In spite of all this, by 495 Callicles has apparently quit responding in earnest. This suggests that the flattery was needful. For a more trusting reliance on the quoted passage, see Perelman and Olbrechts-Tyteca, p. 36.

[24] *Rhetoric*, I.2.1357a1-7. Also see Perelman and Olbrechts-Tyteca, introduction and sec. 1; Stephen Toulmin, *The Uses of Argument* (Cambridge: Cambridge University Press, 1958), p. 231; and Robert L. Scott, "On Viewing Rhetoric as Epistemic," *Central States Speech Journal*, 18 (1967), 9-17.

[25] See Glen E. Mills and Hugh G. Petrie, "The Role of Logic in Rhetoric," *Quarterly Journal of Speech*, 54 (1968), 260-67; Ray Lynn Anderson and C. David Mortensen, "Logic and Marketplace Argumentation,"

Quarterly Journal of Speech, 53 (1967), 143-51, and C. David Mortensen and Ray Lynn Anderson, "The Limits of Logic," *Journal of the American Forensic Association*, 7 (1970), 71-78.

[26] Scott's basic claim is that true and false propositions cannot in fact be simply identified, since truth is contingent. This leads him to discover several important features of rhetoric. See Scott.

[27] See note 25.

[28] Elsewhere, I have called these the three *loci* for argument theory, and have given more detail. See Dale Hample, "Modeling Argument," in Cox and Willard.

[29] See Lloyd F. Bitzer, "Aristotle's Enthymeme Revisited," *Quarterly Journal of Speech*, 45 (1959), 399-408.

[30] William F. Brewer, "Memory for the Pragmatic Implications of Sentences," *Memory & Cognition*, 5 (1977), 673-78. The examples cited are among those for which respondents "recalled" the "pragmatic implications" of a sentence *more often* than the sentence itself.

[31] Anthony G. Greenwald, "Cognitive Learning, Cognitive Response to Persuasion, and Attitude Change," in Anthony G. Greenwald, Timothy C. Brock and Thomas M. Ostrom (eds.), *Psychological Foundations of Attitudes* (New York: Academic Press, 1968), pp. 147-70. My summary of the research is drawn from several studies reported in Greenwald's paper.

[32] For literature reviews, see Gerald Miller, "Some Factors Influencing Judgments of the Logical Validity of Arguments: A Research Review," *Quarterly Journal of Speech*, 55 (1969), 276-86; and P. C. Wason and P. N. Johnson-Laird, *Psychology of Reasoning* (Cambridge, Mass.: Harvard University Press, 1972).

[33] Mary Henle, "On the Relation Between Logic and Thinking," *Psychological Review*, 69 (1962), 366-78; J. Ceraso and A. Provitera, "Sources of Error in Syllogistic Reasoning," *Cognitive Psychology*, 2 (1971), 100-10; Vernon E. Cronen and Nancy Mihevc, "The Evaluation of Deductive Argument: A Process Analysis," *Speech Monographs*, 39 (1972), 124-31; and Thomas M. Steinfatt, Gerald R. Miller and Erwin P. Bettinghaus, "The Concept of Logical Ambiguity and Judgments of Syllogistic Validity," *Speech Monographs*, 41 (1974), 317-28.

[34] Johnstone.

[35] In another paper, I have claimed that many fallacies turn out simply to be inference patterns based upon images, rather than upon serial verbal thinking. See Dale Hample, "Symbolization and Fallacy," paper presented to Speech Communication Association, New York City, November 1980.

[36] See Toulmin, ch. 1, for a general account of argument fields. What I mean here by field is also quite similar to what I think Kuhn means by "paradigm," though of course I do not wish to restrict myself to

scientific discourse. See Thomas S. Kuhn, *The Structure of Scientific Revolutions* (Chicago: University of Chicago Press, 1962). For some problems with the idea of field in Toulmin's work, see Willard, "Some Questions About Toulmin's View of Argument Fields."

[37] I think this is so because a field contains a special audience or public. The literatures on fields and publics tend to be distinct, and drawn from different resources, but I am quite conscious that my need to discuss them separately has led to some slightly arbitrary classifications of writers--particularly McKerrow, Farrell, Wallace and Fisher. I think that many of the arguments I make in one section of this essay also may apply to the other.

[38] Perelman and Olbrechts-Tyteca, p. 465.

[39] James L. Kinneavy, *A Theory of Discourse: The Aims of Discourse* (New York: Norton, 1971), p. 149.

[40] If the form were valid, on the other hand, the pattern might be thought to typify thought in general rather than scientific thought in particular. McKerrow, "Argument Communities: A Quest for Distinctions," p. 217, gives examples of invalid arguments used in argumentation addressed to the social community; the oddity of these argument forms also suggests the power of a field to demand a peculiar type of argument.

[41] *Rhetoric*, 1358a; Kinneavy, p. 249; Toulmin; Willard, "Some Questions About Toulmin's View of Argument Fields," p. 355.

[42] McKerrow, "Argument Communities: A Quest for Distinctions," p. 216. Farrell takes a similar position; see Farrell. And Wallace says, "Things that are morally obligatory and acts that are praiseworthy seem to acquire their meaning and force in the sort of regard that others have for us" (244). The obligatory and the praiseworthy are two of Wallace's three categories of values (the other one is the desirable).

[43] I do not mean to imply that the work I discuss in the next few paragraphs is necessarily based on field theory.

[44] Fisher, "Toward a Logic of Good Reasons," 379-80. I am aware that I am stretching Fisher's thesis considerably. It is clear in his paper that the five criteria are not expected to make decisions about what to believe, and that they serve a largely educational function; see 383 for this. He also means by "good reason" a reason which properly uses a value. This double meaning of "good"--referring both to the idea of a good argument and to an argument which is about the good--seems also to be present in Wallace; see Fisher, 378n for his definition.

[45] This is simply explained in J. Michael Sproule, *Argument: Language and Its Influence* (New York: McGraw-Hill, 1980), pp. 84-92.

[46] Perelman and Olbrechts-Tyteca, p. 461. Hamblin, pp. 251-52 mentions the appraisal of opposing arguments or facts as important to the "rationality" of accepting an argument's conclusion.

[47] Paul D. Goodwin and Joseph W. Wenzel, "Proverbs and Practical Reasoning: A Study in Socio-Logic," *Quarterly Journal of Speech*, 65 (1979), 289-302 discuss the ways proverbs summarize in easily recoverable form some general argument patterns. These seem to me not restricted to any one field, unless we choose to define a field so as to include all of social intercourse (which misses the point of "field"). It is interesting in this connection that Goodwin and Wenzel nocice some inconsistent proverbs.

[48] Michael Polanyi, *Personal Knowledge: Towards a Post-Critical Philosophy* (New York: Harper & Row, 1958), p. 53.

[49] Kinneavy.

[50] I think that McKerrow, "Validity and Rhetorical *Logoi*: The Search for a Universal Criterion," may be an example of such a theory.

[51] I would class most of my own work here. See, for example, Dale Hample, "Predicting Belief and Belief Change Using a Cognitive Theory of Argument and Evidence," *Communication Monographs*, 46 (1979), 142-46; and Dale Hample, "The Cognitive Context of Argument," *Western Journal of Speech Communication*, 45 (1981), 148-58. I would also put the Jacobs and Jackson work here (see note 19), as well as Burleson's research. See, for example, Brant R. Burleson, "A Cognitive-Developmental Perspective on Social Reasoning Processes," *Western Journal of Speech Communication*, 45 (1981), 133-47. Possibly, one might decide that any of this work implies the ideal that an arguer ought to conform to the described norm. See the section of this essay on publics for the applicable objections to this formulation.

[52] This comment may turn out to be a bit hasty. Wallace and others depend on logic. Perelman has made a serious effort to integrate an ideal (the universal audience) with techniques of argumentation. But I am not sure in either case that the specific standards (i.e., logic or the techniques of argumentation) bear any necessary or close relations to the ideals.

DRAMATISM AND ARGUMENT

by

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Among twentieth century rhetorical theorists it is a commonplace to characterize Kenneth Burke as among the truly eminent. It is also safe to characterize Dramatism as the most fully developed and widely influential modern rhetorical theory. To risk a single bold speculation, it seems probable that Dramatism is the only contemporary rhetorical theory which has attracted sufficient adherents and exerted significant interdisciplinary influence to be expected to exert continuing influence on rhetorical scholarship into the twenty-first century.

Dramatism, which Burke describes as "a method of analysis and a corresponding critique of terminology designed to show that the most direct route to the study of human relations and human motives is via a methodical inquiry into cycles or clusters of terms and their functions"[1] is a loosely constructed theory. It seems fair to characterize the Burkean corpus as a series of enduring concerns, illuminating insights, occasional segments of thoroughly articulated theory, unified by some broad metaphorical committments, with a general sense of overall coherence. The *looseness* is that much of the coherence is implicit and intuitive, rather than explicitly derived from the theory. Thus, Dramatism is not comprehensive, not fully articulated, and should not be regarded as in final form. Burke is the pioneer of Dramatism, but the perspective will endure beyond him. Burke's formulations remain a rich ground for further elaboration as a grand theory of rhetoric and for use in application to more particular communication problems and concerns.

Despite the considerable impact which Dramatism has had on the practice of rhetorical criticism, it is somewhat curious that the theory and method has had considerably less application directly to argumentation theory and criticism. One obvious reason for this relative lack of application is that "argument" is not among the central terms or focal concerns of Dramatism. In the corpus of Dramatism, Burke does not display an explicit focus on argument forms or processes. And despite the widely disseminated view that Burke's analysis shows that various philosophic schools tend to center their arguments in one or another of the pentadic terms,[2] argument has little prominence in Burke's writings and does not even appear in the index of many of his works.

I view the absence of a concern with argument as a deficiency in the level of explicit development of Dramatism. It is not a sign of deficiency of the basic principles of Dramatism. Rather, it plausibly reflects Burke's coming to rhetoric through literature. His attention to understanding literary and poetic form to an extent deflected his attention from argumentative forms. Many of the insights are convergent, but the explicit application remains to be done.

On the other hand, the absence of application of Dramatism to argument is not solely due to Burke's failure to deal explicitly with the concept argument; it is also due to the failure of argumentation scholars to creatively apply the perspective to their own focal concerns. The tenets of Dramatism are compatible with both notions of argument-as-structure and argument-as-interaction. Moreover, Burke's notions of form, strategy, social cooperation and competition seem directly relevant to understanding argument in human situations. Further, Burke is implicitly concerned with argument and the concept of *ratios* does much of the work required of the construct argument in traditional theories of rhetoric.

In beginning to examine some of the relationships of Dramatism to argument, I shall proceed in the following manner. First, it will be necessary to explain the concept of *language-as-motive* as a crucial background understanding of Dramatism. Second, the dramatistic pentad and the ratio concept will be examined and related to argument. Finally, heuristic implications for using the pentad and ratio concept to generate argument will be discussed.

I

Motive is among the key terms of Dramatism. It's centrality is suggested by its presence in the titles of such major works as *A Grammar of Motives*, *A Rhetoric of Motives*, and the still in process *A Symbolic of Motives*. Further, an examination of the Burkean corpus will show that problems of motive recur throughout all of his scholarly works. The problems of motive and of the role of language, symbols, and communication in human motivation are enduring concerns in the evolution of Dramatism. However, Dramatism has a special view of language. Burke explains that:

> "We might begin by stressing the distinction between a 'scientific' and a 'dramatistic' approach to the nature of language. A 'scientific' approach begins with the question of *naming*, or *definition*. Or the power of language to define and describe may be viewed as derivative; and its essential function may be treated as attitudinal or hortatory: attitudinal as with expressions of complaint, fear, gratitude, and such; hortatory as with commands or requests, or in general, an instrument developed through its use in the social processes of cooperation and competition . . . Such considerations are involved in what I mean by 'dramatistic,' stressing language as an aspect of 'action,' that is, as 'symbolic action.'"[3]

It is Dramatism's stress on the action and motivational dimensions of language which make its view distinctive.

The implications of this view are derived from Burke's famous definition of man as the symbol-using animal "rotten with perfection."[4] The motivating significance of language is derived from the clause "rotten with perfection." Burke explains that "there is a principle of perfection implicit in the nature of symbol systems; and in keeping with his nature as symbol-using animal, man is moved by this principle." The principle is "central to the nature of language as motive."[5] Burke described an aspect of this principle as "a kind of 'terministic compulsion' to carry out the implications of one's terminology."[6] Notice that Burke views *language as motive*, and not language as evoking or reflecting motive. In Dramatism, language constitutes motive.

Implicitly contrasting the dramatistic view of motive with those which would be scientistic and positivist, Burke explains that "A motive is not some fixed thing, like a table which one can go and look at. It is a term of interpretation, and being such it will naturally take its place within the framework of our *Weltanschauung* as a whole."[7] Our *Weltanschauung* acts as our orientation to reality, both material and social. It is a "bundle of judgements as to how things were, how they are, and how they may be. The act of response, as implicated in the character an event has for us, shows clearly the integral relationship between our metaphysics and our conduct. For in a statement as to how the world is, we have implicit judgement not only as to how the world may become but also as to what means we should employ to make it so."[8] Our orientation determines how we characterize events and therefore our motives toward events. As Burke explains it:

> "Any given situation derives its character from the entire framework of interpretation by which we judge it. And differences in our ways of sizing up an objective situation are expressed subjectively as differences in our assignment of motive. But the question of motive brings us to the subject of communication, *since motives are distinctly linguistic products*. We discern situational patterns by means of the particular vocabulary of the cultural group into which we are born."[9]

Thus, "since we characterize a situation with reference to our general scheme of meanings, it is clear how motives, as shorthand terms for situations, are assigned with reference to our orientation in general."[10]

For example, if two persons were to observe the actual objective event in which a crew of construction workers tear down an old house, and one describes the event as "progress" while the other describes it as "the wasteful destruction of a historic and cultural resource," then quite significant differences of orientation and motive are implied. Both descriptions are strategic interpretations of reality. As Burke notes "strategies size up the situations, name their structure and outstanding ingredients, and name them in a way that contain an attitude toward them."[11] The "progress" observer has a favorable/supportive attitude toward the act witnessed. The "wasteful destruction of a historic and cultural resource" has an unfavorable, perhaps objecting attitude toward the same objective event. Moreover, as public statements of motive, they invite either cooperative or competitive participation from others. When stated together, the two motives are in competition. They seem incompatible and to require choice of which view to cooperate with and correspondingly with which view to compete with. But, each speaker is inviting cooperation.

In such situations the speakers might seek to influence each other. Burke notes that "when we wish to influence a man's response . . . we emphasize factors which he had understressed or neglected, and minimize factors which he had laid great weight upon. This amounts to nothing other than an attempt to redefine the situation itself."[12] Note that the situation is always strategically defined in language, but that through communication alternative constructions may be presented. To redefine the situation is to alter orientation and concomitantly reshape motive. All this occurs linguistically. One's motive, strategy, attitude, definition of the situation are all determined in the context of the orientation provided by the Weltanschauung, which should be viewed as a complex system of verbal equations. The "progress" observer may wish to stress the benefits which will eventually result. The "wasteful destruction" observer may wish to stress the sense of historic continuity and culture the house provided. The chances are that in the ensuing communication, both observers will be changed. If they listen to each other, both will discover factors they had not attended to. They may not convert to the other's motive, but they will better understand it.

The Dramatistic view of language as motive is subtle and distinct from psychological theories of motive which view language merely as evoking or activating some physiological drive (hunger, thirst, sex, etc.) which is the "true" motive. Although, Dramatistic theory does not deny physiological drives, it views such theories as reductionist. Burke explained that:

> "Once words are added . . . the purely biological nature of pleasure, pain, love, hate, fear is quite transcended, since all are perceived through the coloration that the inveterate human involvement with words impart to them. And the same is true of all sheer bodily sensations, which are likewise affected by the new order of motivation made possible (and inevitable!) once this extra odd dimension is added to man's natural animality. From this point on, no matter what man's motives might be in their nature as sheerly animal, they take on a wholly new aspect, as defined by the resources and embarrassments of symbolism."[13]

The view of language as motive links language to action and attitude (incipient action). This link is vital to any rhetorical theory which attempts to explain human behavior which occurs as a consequence of linguistic communication. For argumentation theorists, this link is vital to any claim that adherence to argument forms is part of the social ordering process for constituting human motivation.

II

The Dramatistic Pentad is probably the most important of Burke's methodological contributions. The pentad is intended as a tool for the methodical analysis of motive as present in human discourse. The pentad consists of the five terms: Scene, Act, Agent, Agency, and Purpose. These terms act as categories "which human thought necessarily exemplifies."[14] In a loose sense, the terms of the pentad may be said to refer to Where, What, Who, How and Why respectively. That these terms have been the heuristic hub of journalism is a commonplace. However, the pentad as a powerful analytic tool loses much when reduced to these references. It is of little consequence to point out that "talk about experience" will necessarily use terms referring to the where, who, how, what, or why of the experience. Such an observation is true, but trivial.

The analytic power of the pentad is inextricably linked to the concept of "ratio." Writing etymologically concerning the term, Burke states:

> "The first meaning for ratio given in Harper's dictionary refers to the reckoning, calculating, and computing of things. Derivatively it came to signify business matters, transactions, affairs. Then respect, regard, consideration for things. Then course, conduct, procedure, manner, method. The conditions or nature of something could be called its ratio. Finally we move into such meanings as the faculty of mental action, judgment, understanding, reason. Thence to reasonableness, law, rule, order. And finally, theory, doctrine, system based on reason, science, knowledge."[15]

Although the term argument is not explicit in this range of meanings, the stress on method and reason suggest it is promising ground. Ultimately, in Dramatism a ratio is the nature of a motive. Outside of the presence of ratios there is no assessment of motive. In suasory discourse, ratios are the sources of formal appeal. They are implicitly argument forms. At times, they can be explicit.

Burke describes a ratio as a principle of determination, as a principle of selectivity rather than casuality, as a form necessarily exemplified in imputing motive, and as essentially analogical.[16] For example, Edward Kennedy in his address to explain events surrounding the death of Mary Jo Kopechne stated: "Little over a mile away the car that I was driving on an unlit road went off a narrow bridge which had no guard rails and was built on a left angle to the road. The car overturned into a deep pond and immediately filled with water."[17] This short quotation is filled with scenic references, which imply a dominating influence of the scene in producing the accident. This dominance of one pentadic term over others is always present in a ratio. This particular ratio implicitly makes the scene the determining/responsible factor producing the accident. Yet, the characterization of the event in terms of the scene is a matter of selectivity. Clearly, unlit roads, etc. do not necessarily cause accidents. If Kennedy were to argue explicitly in causal terms, then any time late at night when he drives on unlit roads with narrow bridges with no guard rails built on left angles to the road, he should have an accident. If argued explicitly this ratio loses plausibility. Yet, the scenic analogy holds "the nature of the act is implicit, or analogously present in the nature of the scene."[18] Such conditions as Kennedy mentions provide the potentiality for such accidents and are plausible contributing factors. Finally, in imputing motive, this description by selectively stressing scenic elements tends to place responsibility on the scene and thereby deflects responsibility from Kennedy as agent. In this respect, it constitutes a rhetorical strategy designed to absolve Kennedy of responsibility, despite his verbal acceptance of responsibility earlier in his address. Pentadic analysis reveals where Kennedy places the motivating stresses, evaluation of this implicit argument would raise the question of the accuracy of the selectivity and the potential contributions attention to other pentadic terms and ratios might have allowed.

The ratio concept is critical to the power of pentadic analysis of motive, because motive is not assigned except in the presence of a ratio. In a statement such as "I was driving down an unlit road" there is no ratio. There is no sense of controlling motive even though there are agent, act, and scene references. Only when there is a sense of one term controlling or dominating others is a ratio present. There are many possible ratios. Basically, any pairing of the terms of the pentad can result in a ratio. There are at least twenty possible ratio combinations. As this number is too large to illustrate exhaustively, I have selected to illustrate only the five act ratios. In doing so, I will be providing simple examples of the form each such ratio could take. Although in these examples the ratios are expressed in single sentences, it is possible for ratios to be distributed throughout a larger segment of discourse. The key identifying factor is discovering a sense of dominance of one term over others.

RATIO ILLUSTRATIONS

RATIO	EXAMPLE
SCENE-ACT	Given the circumstances, what else could we do? or Given the constraints, no other action was possible.
AGENT-ACT	From such a person, you would expect such acts. or From Richard Nixon, you would expect lies and deception. or From a miser, you will get excessive frugality to save money.
AGENCY-ACT	Given a hammer, everything will be treated like a nail. or In a bureaucracy it takes a long time to get decisions made.

PURPOSE-ACT	In order to get x, we must do y. or In order to achieve peace with honor, we must negotiate a settlement with x conditions. or In order to achieve economic prosperity, we must fully adopt the Reagan economic package.
ACT-ACT	I hit him because he hit me. or The fall of the first domino resulted in a chain reaction.

In each of these examples, you should have a sense of some antecedent factor which results in motivating the consequential act. The act is thus prompted by and explained in terms of the antecedent factor. Any of these statements could be regarded as an argument claim in which the ratio provides justification. It is not a logical sense of justification, but a motivational sense which the ratios provide. Ratios are thus argument forms. They are persuasive. They require both attention and critical evaluation.

III

The development of Dramatism has been almost without exception in application to rhetorical analysis and criticism. Burke and his followers have devoted comparatively little attention to the application of Dramatism to the composing process or to the question of whether the theory can function as a technical art for guiding the production of discourse.[19] If Dramatism can function productively, then it would have to function as a heuristic. As Richard Young explians: "A heuristic procedure provides a series of questions or operations whose results are provisional: it helps us guess more effectively . . . Although systematic heuristic search is neither purely conscious nor mechanical; intuition, relevant experience and skill are necessary for effective use."[20] The dramatistic pentad and pentadic ratios can serve such a heuristic function for suasory discourse in the creation of either explicit or implicit argument forms. Basically, the pentad provides a system of perspectives from which reality may be viewed. Moreover, the ratios offer a variety of strategies for motivational justification.

For instance, if one is planning to attempt to induce social cooperation through motivational justification in support of some policy, then the pentad may be heuristically employed to insure the consideration of a multiplicity of perspectives. How appropriate is the policy to the scene? What in the scene calls for the policy? How will the policy change the scene? Who will implement the policy? Are they capable of effectively implementing the policy? What must be done to implement the policy? After implementation, what will the policy require by way of continuing action? Are resources to implement and act on the policy available, operational? Why is the policy desirable? What does the policy seek to achieve? A consideration of questions of this nature will assure the policy advocate of a broad range of arguments to support the policy as well as with the potential to anticipate counter-arguments.

Moreover, it enables the generation of ratios from which the most persuasive may be selected. Certainly questions of this sort are not new to the policy advocate. Yet, because these questions are generated from the pentad, it demonstrates the power and elegance of the system. It should not surprise us that competing theories have many commonalities. The behavior of people doesn't change from theory to theory; only the elegance with which that behavior is explained. In regard to motivation to act, Burke provides at least the five act ratios examined in the previous section as focal points for developing a rhetorical strategy. The act may be motivated by antecedent scene, act, agent, agency or purpose. In a sense, a pentadic ratio is an implicit argument and the list of ratios can function similarly to the Aristotelian topoi as places to look for justification.

Further, the pentad may also serve a heuristic function in adapting discourse to particular audiences. Burke notes that conservatives tend to argue from agent, liberals tend to argue from scene, realists from act, pragmatists from agency, and mystics and idealists from purpose. Insofar as terms from these categories are central to the arguments of these various groups, it follows that they are also pivotal terms from which each group interprets reality and also that each group is most susceptible to argument centered in that term. In a sense, to argue from the central interpretative terms of a group is to argue in terms which they can identify with. It is in this way that a linguistic consubstantiality is formed between speaker and audience. Thus, a speaker or writer who can characterize an audience as conservative, liberal, pragmatic, realist, or idealist can adapt his motive appeals to the terminology most "justificatory" to that audience.

In my own experience within the academe, I have found the pentad a useful tool for discourse adaptation. I tend to find my colleagues on the faculty liberal and idealistic on educational issues. They seem most receptive to scene and purpose ratios. In contract, administrators seem dominantly realist and pragmatist and are correspondingly more attuned to act and agency ratios. Finally, students seem conservative and idealistic and are moved by agent and purpose ratios. Put in more concrete terms, in proposing a new course the faculty is motivated by "justifications" concerning educational purpose and responsiveness to the social scene. Administrators are somewhat interested in these ratios but are not moved to action by them. Administrators are motivated by justifications which demonstrate the feasibility of the act within the constraints of the agency. In other words, I need to show the course is staffable with minimal cost and will probably generate substantial FTE. Finally, students are attracted to courses partially by their nature, but also by whom they are taught. They choose courses by what they are and the attraction of who is teaching the course.

Interestingly, I also find that when ratios are not appropriately related to the respective audiences that non-responsiveness and sometimes impatience is a result. Faculty tend to be uninterested in the details of administration. Administration has some interest in purpose, but wants to get to the nitty-gritty questions of agency. Motivation to action is expedited by audience adaptation. In a well thought out proposal, a rounded statement of motive will include appeals to each respective decision making group.

Summary

This paper has examined some implications of Dramatism for argument. In particular, the view of language-as-motive was explained: the dramatistic pentad and ratios were explained as implicit arguments for motivational justification; and implications for the use of the pentadic ratios as a heuristic procedure for generating arguments or adapting them to particular audiences was discussed. Further explorations of Dramatism should be undertaken in a continuing effort to exploit this perspective for the implications it has for enriching our understanding of certain dimensions of argument. Burke's notions of form and strategy are particular rich concepts that might be examined.

END-NOTES

[1] Kenneth Burke, "Dramatism," *International Encyclopedia of the Social Sciences*. David L. Sills (ed.), (New York: Macmillan and the Free Press, 1968), 445.

[2] see Kenneth Burke. *A Grammar of Motives*. Part II.

[3] Kenneth Burke. *Language as Symbolic Action*. (Los Angeles: University of California Press, 1966), 44.

[4] *Ibid*., p. 16.

[5] *Ibid*., p. 17.

[6] *Ibid*., p. 19.

[7] Kenneth Burke. *Permanence and Change*. (Los Altos: Hermes, 1954), 25.

[8] *Ibid*., p. 14.

[9] *Ibid*., p. 35.

[10] *Ibid*., p. 31

[11] Kenneth Burke. *The Philosophy of Literary Form*. (New York: Vintage Books, 1957), p. 3.

[12] Burke, *Permanence and Change*, 220.

[13] Kenneth Burke. *Attitudes Toward History*. (Los Altos: Hermes, 1959), 373.

[14] Kenneth Burke. *A Grammar of Motives and A Rhetoric of Motives*. (Cleveland: World Publishing Co., 1962), 317.

[15] *Ibid*., p. 151.

[16] *Ibid*., pp. 15, 18, 402, 444.

[17] Edward Kennedy quoted in David A. Ling. "A Pentadic Analysis of Senator Edward Kennedy's Address to the People of Massachusetts, July 25, 1969." *Central States Speech Journal*. XXI (1970), 84. I am indebted to Prof. Ling for the general line of analysis of Kennedy's statement.

[18] Burke. *A Grammar of Motives*, 444.

[19] Some recent attempts to apply Burke to composition include: Howard Byker and Loren J. Anderson. *Communication as Identification*. (New York: Harper and Row, 1975): William F. Irmscher. *The Holt Guide to English*.

(New York: Holt, Rinehart and Winston, 1976): and W. Ross Winterowd. The Contemporary Writer. (New York: Harcourt, Brace and Jovanovich, 1975).

[20] Richard Young, "Invention: A Topographical Survey," in Teaching Composition: 10 Bibliographical Essays. Gary Tate (Ed.) (Fort Worth: Texas Christian University Press, 1976), 2.

THE IDEALITY OF MEANING OF ARGUMENT: A REVISION OF HABERMAS

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To ask what is the meaning of a rhetorical argument seems to be asking for trouble for several reasons. First, any search for literal meaning meets logical obstacles from mundane literalism itself--notably the philosopher of the "given," A.J. Ayer: "A further distinction which we must make is the distinction between the 'strong' and the 'weak' sense of the term, 'verifiable.' A proposition is said to be verifiable, in the strong sense of the term, if, and only if, its truth could be conclusively established in experience. But it is verifiable, in the weak sense, if it is possible for experience to render it probable."[1] A permissive reading of the premisses in rhetorical argument would suggest them to be--at best--"weakly verifiable," to use Ayer's phrase. But more accurate may be the realization that rhetorical arguments don't purport to state facts at all. Rather, they prescribe, guide, proclaim, warn, exhort. They enact and alter the very experience that would confirm Ayer's "facts." Therefore the meaning of rhetorical arguments is to be sought--in this essay, at least--on an entirely different level of significance: what I have labeled "ideality."

But now a different obstacle emerges. To speak of ideality in general and an "ideal speech situation" in particular holds forth the threat of mystification. In its most removed form, such a position could suggest that there is a genuine and unique meaning to rhetorical argument, but that only I can figure out what it is. And this will not do. The last thing we need is one more exotic terminology joining our already cluttered landscape. Since rhetorical arguments are usually addressed to ordinary persons, it should not be asking too much for a sense of the rhetorical ideal to make itself known to those who usually hear rhetorical arguments. In my own usage, ideality implies simply a movement toward some sense of the optimal or the preferable as an outgrowth of an actual process. A sense of ideality might be experienced in everything from the plot of a detective story, to the strictures of a motorcycle-maintenance manual, to the heightened struggle of a Wimbledon final. The aim of this essay is to examine Habermas' ideal speech situation as a series of background postulates for inferring some aspects of ideality from the meaning of rhetorical argument.

This is no small order, of course. Nor is the task made any more manageable by the casual hazards of current rhetorical practice: the tendency of journalism and commentary to interpret rhetorical meaning through "debunking," and attribution of "hidden motive" to speakers, Goodnight's related warning that audiences have tended to flee the commentary, the speech, the public forum itself.[2] Perhaps if rhetorical meaning really could be reduced to the actual configurations of use, it would not make a pretty picture. But fortunately, there is no need to wipe the slate clean and start all over. For one thing, there are good examples of rhetorical practice as well as bad; and, if my thesis is correct, even poor rhetorical arguments carry traces of what they might better have been. For another thing, there is already an excellent foundation for the study of meaning in rhetorical argument; merely to add to some of the insights generated thus far would seem to be a worthwhile enterprise.[3] And finally, whatever we make of the paradoxes of our age, they are built right into the rhetorical tradition we have inherited. We must begin to struggle with these intrinsic dilemmas, if we are ever to recapture the sense of cognitive significance that once attached to rhetorical theory and practice. For this last reason, this paper begins with a backward glance at our tradition, reframing one central paradox about rhetoric from a contemporary view. Only then do I set about the task of rephrasing the Habermas contribution to contemporary theories of rhetorical argument. Along the way, the essay develops a single example that should help to focus the issues for discussion (the Roosevelt Court-packing controversy of 1937).

I

What I have called the "prescriptive" heritage of rhetorical practice may be traced to at least two interrelated sources: one methodological and the other performative. Having no proper subject matter unique to itself, rhetoric derived its initial disciplinary rigor from its relationship to other modes of investigating premisses: most conspicuously, the methods of dialectic. As Richard McKeon has observed, dialectic is a master method of inquiry that presupposes a series of counter-factual ideals: among these are that reason and being are one and the same thing, that *truth* adheres in the generality (as Hegel noted, the truth is the whole), that true and general propositions emerge from the encounter of opposites, indeed that every proposition implies its opposite.[4] And after all this, of course, there are many idealized postulates of method: the way reason should frame hypotheses, the quality of interlocutors, and so forth.

The important point to recall is that rhetoric originally was stipulated to function as a counterpart to dialectic. The general postulates of belief (*pistis*) that dialectic established become--for rhetoric--a horizon of invention. The form of life that results is a kind of boundary condition for the particular practical questions that rhetoric must address. In fact, dialectical outcomes do *not* yield to the practical choices of advocates themselves.[5] Rather, such outcomes must frame and surround the conditions for rhetorical choice. If dialectic establishes what justice--in general--consists of, rhetoric typically would ask whether X or Y would be the just thing to do. Instead of distributing terms among propositions (as does formal analytic), rhetorical propositions would pose contingent relationships among persons, actions, and interests. Such propositions ask for the practical correlate of belief as their foundation; i.e. volition or will. So rhetorical arguments seem designed to do more than simply concretize or apply the abstract ideals of dialectic. They enact a performative dimension as well.

Related directly to the methodological derivation of the rhetorical ideal I have been discussing is the unique manner in which rhetorical arguments were thought to address persons. Those addressed by such arguments were viewed as members of an affiliative and other-interested community: in other words, as an audience Almost since its inception, rhetoric has been preoccupied with the accrediting of premisses through the practical engagement of competent audiences. It is even possible to read Aristotle's entire *Rhetoric* in a manner consistent with Grimaldi's interpretation: that is, as a discursive system for perfecting the judgment of audiences who, in turn, confirm and adjudicate our unresolved problems. Grimaldi has written of Aristotle's initial justification for rhetoric "Truth and justice are *de facto* destroyed by bad judgments. But what *necessarily* destroys truth and justice is the untruth and injustice which take their place in the judgment. Bad judgments are the instruments whereby the naturally superior (truth and justice) are necessarily defeated by their inferiors (untruth and injustice). The agent responsible for permitting the bad judgments is a rhetoric which does not achieve its perfection as rhetoric, and so achieve its usefulness."[6] From Grimaldi's perspective, Aristotle's enthymeme becomes the encompassing argument for rhetorical address; it unites audience emotions, community norms, and logical form--all in one integrated mode of "proof."

The particular importance of this reading is its emphasis upon the perfecting of ordinary human impulse. In traditional rhetorical practice (and *through* rhetorical argument) we speak for and with audiences. We do this in the midst of uncertainty about which side is best, which rendering of a proposition is finally true. Our argument commits us, and we act out its implications.

Yet what remains now from both our traditional prescriptive sources (aside from their quaint optimism) has reduced to an implicit dilemma at the core of their world view. The paradoxes of rhetoric do not change: thought and action, theory and practice, is and ought, wisdom and eloquence. But in every age, they need to be placed in a fresh perspective, one that makes from the tension of each dilemma a topic for inventing new approaches to rhetorical meaning. Such a perspective emerges, I believe, from the work of the long-neglected Danish philosopher, Søren Kierkegaard. In his troubling discussion of "Stages on Life's Way," for instance, is contained a way of looking at the contemporary dilemma afflicting the meaning of rhetorical argument.[7]

Designed to encapsulate the ways in which human beings encounter their own existence, Kierkegaard's initial distinction of "stages" has special pertinence to the present study. Consider the first way of experiencing, which Kierkegaard defines as the *aesthetic*. This inclusive state of consciousness is characterized by an attitude of essential arbitrariness, a willingness to suspend disbelief about virtually any possibility. As an existential stance, then, the aesthetic is willing to consider every point of view, and even to reconcile each to the other, regardless of "real-life" plausibility. To the aesthetic imagination, an artifact may take on virtually any configuration, and the materials of this world--whatever their ontic status--are viewed as grist for the mill of creativity. Of course, the aesthetic as a mode of existence implies much more than this; but such implications must be deferred for the moment. For there is another way of dealing with the world. Kierkegaard refers to this way as a stage too. However, it may also be viewed as an all-inclusive realm of existence separate from the aesthetic--a realm that is independent and yet absolute.[8] Here is Kierkegaard's realm of the ethical. Unlike the aesthetic, the ethical is marked by real, responsible action in a world where existence is non-hypothetical. Here reflection and imagination must finally be subordinated to what one actually does. Understandably, then, what stands as the ethical is marked by definitive and uncompromising choice; all else is empty rationalization, a charade. Pierre, wandering through the battles of War and Peace; Camus wrestling with Algeria: here are aesthetes in a world where reflection will no longer do.

To Kierkegaard, the fundamental dilemma of life is found in its "doubleness"--its necessary inclusion of both the aesthetic and the ethical realms simultaneously. Life is "thought out" backwards, through memory, fantasy, retroactive sense-making; but life must be lived forward, through choices that cannot be changed, that forever define our character. And it offers no comfort to the human condition that Kierkegaard's two realms seem to be mutually exclusive.

While Kierkegaard's defined experiential states may seem to offer us just one more troublesome duality, my hope is that they may also offer what was promised earlier: a fresh way of framing the essential dilemma of meaning in rhetoric. Recall that rhetoric, from its earliest stipulative derivations, purported to be an art, a practical methodological art, to be sure, but an activity that admitted of system and creative purpose: there is its aesthetic heritage. And yet, rhetoric was described by its preeminent theorist as both a practical counterpart to dialectic and an offshoot of political ethics. The very proofs, and topics, and objects of rhetorical disputation are matters of real life. These demand choice, action, and a responsibility that is ultimately ethical. Rhetoric as art is paradoxical, precisely because Aristotle (and virtually every other classical theorist, except possibly Augustine) would have us consider the real conditions of existence as more or less arbitrary possibilities. The indictment of rhetoric as sophistry fits here, of course. But the contemporary issue is not whether rhetoric is an art; rather, it concerns the implications of rendering "aesthetic" the conditions of real existence.

Now it is safe to assume that the above paradox did not trouble Aristotle; the orderly hierarchies of social meaning are known to have saved "heroic" culture from many a paradox. But our own culture hardly needs to be reminded of its radical departures from the security of traditional ontologies. The self-consuming invention of history, the acknowledgement of perspective, the alienation of self from other: all these are unmistakable marks of the post-modernist consciousness. In fact, a distinctly modern thinker, Walter Benjamin, warned--too late--of the consequence of aestheticizing real life: the result would be--and has been--the politicizing of art.[9] Such social extremes as these are only possible where neither realm was intrinsically supreme to begin with.

And so it is that contemporary rhetorical theory finds such a paradox of meaning in argument alive and intact. Not surprisingly, the present conceptual landscape can be understood--in part, at least--as a muted expression of Kierkegaard's two worldly states: the aesthetic and the ethical. But what is most odd is the manner in which these world views find expression and integration in contemporary theory. There is, for instance, an expansive definition of rhetoric-as-epistemic.[10] So under-

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stood, what is rhetorical seems to be identical to the reflective movement of consciousness itself. Indeed, the world itself is "invented" through rhetoric; and meaning is the more or less arbitrary outgrowth of creative rhetorical choice. What is argument? In the epistemic-constructivist vein, argument seems to be whatever we (I) think it is. So far, there is some consistency. Yet despite an obvious indebtedness to the wholistic critical stance of Kenneth Burke, and a more than passing resemblance to the first of Kiekegaard's existential "stages," the rhetoric-as-epistemic view has had virtually nothing to say about rhetoric as an *art*. There is still no criticism emanating from this stance. And no theorist I have read has gone so far as to identify what would count as discourse, audience, or even heightened appreciation to those who subscribe to this perspective.[11] But rather than belabor such curiosities, I would prefer to devote the body of this essay to a perspective on rhetoric that is more traditional, less arbitrary, and yet still incomplete: the situational theory of rhetoric. For here is a view of rhetoric that, for all the world, seems grounded in real-life conditions of choice and action, while remaining curiously removed from the important realm of ethics. The following discussion explores some possible reasons for this detachment, while holding out the promise that the ideal speech situation and the real rhetorical situation may yet have important things to contribute to each other.

II

Lloyd Bitzer's situational grounding of rhetoric has received such pervasive (and deserved) discussion in our literature that I might assume a fair degree of familiarity with its essentials. Rather than add to the speculation about Bitzer's actual intentions, my present purpose is to address a topic outside his original aims: the implications of the situational view for the meaning of rhetorical argument. From the text of his article, Bitzer's own explicit assumptions, and the perspective sketched here as background, I have drawn the following conclusions: that rhetorical argument is, for the situationist, an artistic instrument, that argumentative meaning is a more or less temporary consequent, and that there is nonetheless an impulse toward ideality presupposed by the functions of rhetorical practice.

The situationist perspective, as is commonly understood, regards rhetoric as a branch of pragmatics. As Bitzer has said, "...a work of rhetoric is pragmatic; it comes into existence for the sake of something beyond itself: it functions ultimately to produce action or change in the world: it performs some task."[12] By saying this much, Bitzer allied the situationist view with the practical tradition of rhetoric. But still more is implied; rhetoric is allied with the American pragmatic philosophical tradition as well. Audiences are rhetorical only insofar as they can actually remove worldly defects ("exigences"). And rhetorical practice, like Dewey's conception of language itself, seems to derive all possible worth (and even its own identity) from its instrumental capacity: "Finally, the situation controls the rhetorical response in the same sense that the question controls the answer and the problem controls the solution. Not the rhetor and not persuasive intent, but the situation is the source and ground of rhetorical activity--and, I should add, of rhetorical criticism."[13] It is hard to imagine a more emphatic statement. Yet it is only when approaching the practical intricacies of generating solutions, that Bitzer takes note of rhetorical argument. Logical proofs are found to be a type of constraint that is generated by the rhetor ("artistic" in nature), that may enter the situation so as to influence the audience to modify an exigence. While it is certainly not the major point of his analysis, it is obvious that--for the situationist--rhetorical arguments are artistic instruments. But what are we to make of their meaning?

My answer to this question must be more round-about. Bitzer allows that "meaning-context" and rhetorical situation are not the same thing.[14] He explicitly dismisses the rhetor's intention as a plausible determinant of meaning (a sound decision, since an audience's recognition of persuasive intent is *not* analogous to an interlocutor's recognition of a question. It does not mean that persuasion has therefore occurred--as a question has therefore been asked.). While Bitzer has not addressed this issue directly, it would seem that the cognitivity of rhetorical argument turns upon the practical engagement of a rhetorical audience, and the endurance of a rhetorical exigence. Bitzer has noted that rhetoric necessitates an audience; only through the audience does persuasive intent become an actual mediation of change. And, he has observed that discourse has rhetorical significance only so long as the situation which prompted it persists.[15] Although rhetorical situations are objectively real and knowable, they are also transient. I have therefore concluded that the meaning of rhetorical argument is--for the situationist--not the outcome of intent (as Grice might have theorized),[16] not embedded in the force of the utterance (as speech act theory might suggest); rather it is a consequent of the audience's engaged interest and experience, as well as the unique variegations of condition and circumstance surrounding a temporary situation. Meaning is thus indexical, expressing simultaneous perceptions (as when Lincoln says, "...we cannot hallow this ground.")[17] Meaning may even be referential, depending upon the clarity of a factual condition. But meaning can never be permanent. Paradoxically enough, to the degree a rhetorical argument achieves its situational aims, it must lose its meaning.

And yet, for all the nuts-and-bolts functionalism many have found in such a view, I remain convinced that there is a discernible impulse toward an "ideality" throughout this landmark theory.[18] Recall that situations prescribe a "fitting" response. Bitzer notes that he is speaking metaphorically; however, he also cautions that the rhetor must separate proper from improper rhetorical constraints. Then there is the nature of the exigence itself. What is it? An imperfection marked by urgency: something that is other than it *should* be and which--like James' live options--cannot be ignored. What does rhetoric actually do? It improves and perfects the substance of situations. Finally, there is this peroration: "In the best of all possible worlds, there would be communication perhaps, but no rhetoric--since exigences would not arise. In our real world, however, rhetorical exigences abound; the world really invites change...."[19] This is not the stuff of whimsy. From the situationist vantage, rhetorical argument--through its artistic devices--really impels the world toward something better. Perhaps the only sense of incompleteness we experience, then, is the absence of those principles by virtue of which rhetorical situations are found to be wanting in the first place. Lacking such a clear enunciation of what determines the "proper" response, we seem to be left with a world that somehow 'speaks' to us, but without a recognizable grammar; of a normative impulse that substitutes aesthetic reaction for explicit ethical norms.

A real situation may help to clarify. Consider, as the beginning of one exemplar, the rhetorical context surrounding Roosevelt and the Supreme Court in 1937. What might the controlling exigence have been? Perhaps Roosevelt himself named the most striking condition when he termed, "one-third of a nation ill-housed, ill-clad, ill-nourished." And government figures for this same period (five years into the New Deal) confirmed: Ninety-eight per cent of American families lived on annual incomes of less than $5000.00. The average annual family income, for those not on relief, was $1348.00.[20] Following the situationist perspective, the next step might be to ask how much of this emergency could be resolved through the use of rhetorical discourse. But before we do, consider the rival candidates for controlling exigence. Among them were the "nine old men" on the Supreme Court, the only governing body apparently immune to the President's recent 11 million vote reelection victory. On Black Monday (as it became known to Roosevelt's staff), major pieces of legislation that had been in effect for several years were overturned in one afternoon by a Court whose economic philosophy traced back to Adam Smith.[21] Was this institutional barrier remediable through discourse? Is is apparent that at least Roosevelt thought so--just as it would seem that the President's judicial reorganization proposal must have generated some sort of exigence for the brethren themselves. Situational complexities abound.

And so do rhetorical arguments. Leaving aside the private arm-twisting, and the grueling congressional testimony, there was a dense (but ultimately transparent) bill put before Congress early in 1937, a kindly fireside chat by the President in March, and a devastating Judiciary Committee report in June. Presumably, the situationist perspective would search this discourse for those arguments that are most representative of important positions, as well as those arguments that make the best use of relevant situational constraints. There is an oddity of method that we will sidestep here; since the court-packing dispute has been over for decades and the critic has no direct interest in the case, this discourse isn't rhetoric anymore. Yet even memory will prompt the recognition of several distinctive former rhetorical arguments throughout this situation: FDR's famous "three-horse plow" analogy to contemporary government; his explicit appeal to "modern" constitutional interpretations; his claims that the Court was overworked and backlogged; the Judiciary Committee's striking use of hyperbole, ad hominem invective, and tu quoque reasoning.[22] The quality of such arguments, like their meanings, must be bound up in the intricacies of circumstance. How accurately and prudently does each advocate characterize the exigence? How effectively does each argument use situational constraints so as to bring this crisis to resolution? Many liberal historians have overlooked Roosevelt's Congressional setback, only to give the President long-term credit for modernizing the Court[23] (a victory Roosevelt would no doubt have to share with the laws of nature, since it is doubtful that even the most inclusive rhetorical theory would consider the death of justices to be a rhetorical invention). It is even possible to conclude that these rhetorical arguments somehow led to an optimal (i.e. ideal) solution, since the Roosevelt intrusion was blocked, even as the Court itself became less obstructionist in its interpretations. Each of these readings is plausible; and that is part of the problem. Apparently the naming and judgment of rhetorical meaning can be no less complex and no more permanent than the original situation.

I will be returning to the Court-packing controversy presently. But it would be helpful, at this juncture, to summarize the reasons behind the sense of incompleteness found in the situationist view. Too much has been made of Bitzer's objective philosophic realism, in my judgment. It is true that Bitzer considers rhetorical situations to be really present. But he also emphasizes that situations may be clear or ambiguous, simple or complex, tightly or loosely structured. And, in a recent exchange,[24] Bitzer acknowledges that some kind of consensus is necessary to ground judgments about what is true and what is valuable--a position ambiguously close to my own. Rather, the problem seems to be that the principles that might guide, warrant, or vindicate any such consensus have not been made clear. In the example discussed above, it makes a great deal of difference whether the norms guiding inquiry are those of legal precedent, distributive justice, social equality, relational propriety, or whatever. Now if we are to go to the heart of the reason for the absence of such principles in Bitzer's discussion, I think it lies in the philosophic situation surrounding our own rhetorical scholarship. Put bluntly, it is hard to address the value principles and postulates that clarify social action, in a culture where there is no dialectical tradition to begin with. And it is hard to clarify the "tribal affiliations" that make possible the functional speech of rhetorical argument (or Bitzer's own Trobriand Islanders example) where the tribal affiliations of the public have receded. To his credit, Bitzer's recent scholarship has made impressive strides in studying how real publics might ground and guide rhetorical discourse. Yet, like Dewey before him, he has found real publics difficult to locate.[25] In their absence, he has opted for situations that are--in terms of largely unstated criteria--clear, simple, and structured. While such a decision surely is understandable, it could have a final paradoxical effect in divesting utterances of illucutionary force. Difficult as it might be to imagine, an "optimal" rhetorical situation could be one in which no aesthetic nuance, no poetic meaning is necessary (i.e. "You are standing on my foot.") And what is rhetorical meaning then, but sense and reference?

Although Bitzer never intended his account of situations to function as an inclusive theory of meaning in rhetorical argument, I have implied from the situationist view, the beginning of an insight about ideality. Rhetorical situations are defective in some substantive way that requires--at some point--the constraint of rhetorical argument. Most important, how a rhetorical inference "works" (as a mode of action) is part of what it means. This insight begins the tradition of language pragmatics. And it is a position that--once announced--raises normative questions that are best addressed outside situationism, and within the work of Jürgen Habermas.

The work of Jürgen Habermas begins at a decidedly different point than that of the situationist view; the structure and assumptions of language-as-communicative action is the subject of universal pragmatics.[26] To Habermas, the consuming mystery is that we communicate with others at all and that we are held accountable--in some fashion--for what we say. Like Bitzer, Habermas accepts that at least some modes of speech are modes of acting (and to this end, he has coopted the Austin-Searle tradition of speech act theory). But unlike Bitzer, Habermas begins not with a substantive, imperfect world that provokes and defines speech; rather, he begins with successful speech utterances that require certain extra-situational (i.e.ideal) postulates as necessary to their complete explanation. As Habermas notes in his most recent translated work: "Whereas a grammatical sentence fulfills the claim to comprehensibility, a successful utterance must satisfy three additional validity claims: it must count as true for the participants insofar as it represents something in the world; it must count as truthful insofar as it expresses something intended by the speaker; and it must count as right insofar as it conforms to socially recognized expectations."[27] It is apparent that presuppositions such as the above are not peculiar to rhetorical situations; they seem to be minimal "good faith" conditionals for even the most ordinary conversations. Of course, Habermas knows full well that not every real-life utterance will satisfy each conditional fully. That is why he has distinguished several types of speech acts which would--in the most rational of exchanges--imply each obligation respectively:

1) Constatives (which assert, narrate, report, dissent) imply truth.
2) Representatives (which reveal, admit, express) imply sincerity.
3) Regulatives (which command, warn, excuse, exhort) imply propriety.

All utterances must be comprehensible, so we know what other obligations are incumbent upon them.[28]

There is, then, already the beginning of an instructive contrast to the situationist sense of ideality. When discourse begins with worldly exigences, the movement toward a valued ideal becomes a kind of implicature of imperfect substance (i.e. the world itself); meaning, like the process of restoration itself, is never complete. But for Habermas, the values of speech come not from the world; rather they are inherent in the very idea of a rational communicative structure. More than this, ordinary utterances--to be intelligible--must strain toward some such ideal realization. In other words, Habermas begins with a dialectical tradition that American pragmatism has lacked--a tradition that allows his "pragmatics" to claim universality. Habermas begins by rendering his abstract values explicit because he is able to "bracket" the world; his is a critical theory.

But whether this contrast may prove to be complementary to the situationist view must await more basic determinations. For how are these values of speech themselves to be grounded? Suppose, after all, that one or more speakers disagrees with them; Habermas, like Dewey, has acknowledged the erosion of the public sphere.[29] How, in the absence of a competent public, may we ground value premisses at all? I do not pretend to know how critical theory would answer all of these questions. However, the remainder of my interpretation of Habermas is devoted to the ideal speech situation, along with its implications and deficiencies as a view of meaning in rhetorical argument.

Habermas grants that not all communication action is "good" or even functional. Whenever the validity claims discussed above are not mutually recognized and accepted, one may either break off communication (and use force, or cunning) or one may resort to argument in order to reestablish the consensus necessary for speech itself. Before we ask how this is possible, it should now be clear, at least, that for Habermas argument is ubiquitous with problematic communicative action.[30] In fact, if we construe argument as a sequence of discourse in which speech acts function as reasons for one another, *then his initial* typology of utterances (constatives, representatives, regulatives) implies ideal argumentative obligations- to offer grounds, to disclose motives, to exhibit norms.[31] And if these validity *claims* are not mutually recognized, if the consensus necessary to communication breaks down, then Habermas introduces still another level of argument, in a setting where "real life" offers neither inhibition nor constraint. This is the ideal speech situation:

> This freedom from internal and external constraint can be given a universal-pragmatic characterization; there must be for all participants a symmetrical distribution of chances to select and employ speech acts, that is an effective equality of chances to assume dialogue roles. If this is not the case, the resultant agreement is open to the charge of being less than rational, of being the result not of the force of the better argument but, for example of open or latent relations of domination, of conscious or unconscious strategic motivations. Thus the idea of truth points ultimately to a form of interaction that is free from all distorting influences. The 'good and true life' that is the goal of critical theory is inherent in the notion of truth; it is anticipated in every act of speech.[32]

While the ideal speech situation has received almost as much attention in our recent literature as did the "rhetorical situation," the former construct does not seem to be so well understood. Many of critical theory's most sympathetic interpreters, for instance, have decried the "unreality" of the ideal speech situation.[33] How, they wonder, may a competent and reflective dialogue occur in the absence of competent interlocutors and in the unavoidable presence of institutional constraints. The question--although provocative--ignores the fact that some such ideal seems to be a hypothetical imperative of all investigative discourse (such as formal logic). Whether or not the ideal ever really appears in history, Habermas has given us a "dialectical fiction" (if I may steal my mentor's phrase)[34] that frees the interactants from limits imposed by self and other. I am less confident of my second response to the "unreality" objection, given the recent developmental strains in Habermas' research. Yet I must hazard the opinion that, in practice, Habermas may have something more in mind by dialectic than an ahistorical socratic dialogue (or the encounter group//seminar session writ large). If we consider the method for studying the history of ideas which Habermas himself has used (especially in *Knowledge and Human Interests*), as well as the influence of Marxist dialectic on his own critical theory, there may be reason for regarding the Habermas speech situation as a metatheoretical "ideal type" for reconstructing interests, partisan positions that have been passed over in the flow of history. Much as Habermas himself has done with Peirce, Vico and Dilthey, the dialectician would articulate quieter alternative voices that have been repressed, or simply not heard.[35] Whether or not this is an avowed aim of the Habermas project (his recent research suggests that it is not),[36] any history of ideas which is dialectical (i.e. radically critical) requires a reflective starting point closely resembling the Habermas ideal. But what of ordinary communication, rhetoric, and their own claims to an ideal of meaning? If my preceding discussion is any indication, there may be something to this "unreality" charge against Habermas after all. It seems rather easy to get lost in the intricacies of perfect speech, only to lose sight of the difficulties that brought one there in the first place. In the remainder of this section of my discussion, I reflect upon the identity and meaning of rhetorical argument, from the idealized perspective sketched throughout the Habermas project. With the aid of the Court-packing example, several restricted conclusions are drawn: that rhetorical argument tends to be viewed as somehow "defective" in its meanings, that the ideal speech situation provides an important, but logically incomplete complement to the range of meaning within rhetorical situations, and that the contribution of argumentative form to the generation of rhetorical meaning remains unexamined in either tradition. This last observation provides the rationale for my revision.

III

Although there are numerous cases of communication action, wherein the Habermas conditionals provide useful glimpses into previously "hidden" meanings, I can think of very few cases of discovered meaning that are not somehow diminished by ideal contrast. Perhaps the curmudgeon professor who bullies and prods to "provoke" independence of thought is one example. But what of the group-discussion leader who asks the class at semester's end how useful the group has been "as a learning experience"? Here, amid warmth and sincerity, is the hidden face of domination: grades, role, asymmetry of speaking-turns all contrive to inhibit honest responses. And, for that matter, what of quality circles in industry, intimacy in family networks? I confess that this impulse toward a debunking of ordinary communication was not initially clear to me. In previous expositions and discussions of the ideal speech situation, I had used the analogy of Paul Grice's conversational postulates to underline the explanatory potential of the Habermas ideal. Much as Grice's categories of quality, quantity, relevance, propriety and so forth were posited to explain counter-examples (irony, metaphor, deliberate indirection), so it seemed that the Habermas postulates of permeable public/private speech, indefinite reflexivity, symmetrical turn-taking, and lack of constraint might explain real-world departures.[37] Attractive as the analogy still seems, there are two problems to such an interpretation. First, Habermas is not interested in employing his postulates for the purposes of explanation. His purpose, as everyone who has read him knows, is that of critique--and a radical, unrelenting critique at that.[38] This is not a lethal inhibition, of course; we can always use these constructs for purposes the theorist did not have in mind. But the second difficulty is more troublesome. In his most recent translated research, Habermas offers a damaging cautionary note:

> It seems to me that *strategic action* ('oriented to the actor's success'--in general, modes of action that correspond to the utilitarian model of purposive-rational action) as well as (the still-insufficiently-analyzed) *symbolic action* (e.g., a concert, a dance--in general, modes of action that are bound to non-propositional systems of symbolic expression) differ from communicative action in that individual validity claims are suspended (in strategic action, truthfulness; in symbolic action, truth).[39]

He adds this careful qualifier: "My previous analyses of 'labor' and 'interaction' have not yet adequately captured the most general differentiating characteristics of instrumental and social (or communicative) action."[40]

In conceding the problems of his attempt to distinguish symbolic action (art) from strategic action (persuasion) and both from communicative action, Habermas has--if anything--understated the seriousness of the situation. I would only add that to the entire speech act tradition (from Austin to Grice and Searle), actor-sincerity has been absolutely necessary to the explanation, without prejudice, of speech acts that depart from communicative norms. To use just one example, if irony were to lack sincere communicative intent (i.e. the utterer's intent to mean the opposite of conventional usages), it would resolve into the "big lie." By denying the postulate of "truthfulness" to strategic communicative action, Habermas has (probably inadvertently) rendered groundless much of what we have traditionally credited to rhetorical argument. This may be because every communicative utterance is, for Habermas, a potential argument. And it may be because practical discourse is itself a kind of last resort for critical theory; we only turn to such discourse in the Habermas lexicon when theoretic discourse fails.[41] But I am less concerned now with the causes for Habermas' oversight, than with its important implications.

Consider what happens to the discourse of our court-packing controversy, when it is examined from the perspective of an ideal speech situation. Whether one regards the Habermas program as exhaustive or not, it is easy to find important examples of constative, representative, and regutive utterances in the contest between Roosevelt and the Court. And since the several participants had occasion to state their views, explain their motives, and propose various alternatives, these scattered utterances resolve conveniently into issues over the Habermas validity claims.

- Validity claims of truth include:
    1. One third of the nation is poor.
    2. Supreme Court is overworked.
    3. Supreme Court is old.
    4. Membership of the court has been altered before.
- Validity claims of truthfulness include:
    1. Roosevelt's desire to restore "balance."
    2. Roosevelt's disavowal of partisan motives (in appointments)
    3. Court membership's reluctance to "legislate."
- Validity claims of propriety include:
    1. Roosevelt's authority to change appointment procedure.
    2. Propriety of Court's involvement in political controversy.
    3. Propriety of Roosevelt's "pressure tactics."[42]

These are not all the issues by any means. And there are interpretative questions that don't have a clear placement in the Habermas axiology (i.e. Was the Court making inordinately conservative decisions?). But what is interesting at the outset is how many of these so-called validity claims could have been redeemed immediately through the consensus of the opposition. Of the truth claims, #1, 3, and 4 were not contested directly by Roosevelt's opponents. Claim #2 turned out to be false (There was no backlog of cases in the Court), and Roosevelt dropped it.[43] While ad hominem questions about Roosevelt's motives dominated the procedings, the President conceded in his fireside chat that he wished to moderate the Court's tendency to, "deny the existence of facts universally recognized." The fundamental challenge, rather, concerned the propriety of each side's speech acts themselves. The issue became a classic legitimation problem concerning the prior question of who had the right to speak.

Since the norms of propriety and legitimacy could not have emerged from an unconstrained private discourse without challenge, our unavoidable next step is to clarify the norms of actual discourse, within the horizon supplied by Habermas' ideal conditionals. In this light, it seems that Roosevelt spoke from a sense of grounded political mandate ("How then could we proceed to perform the mandate given us?"). He defined his presidential authority as commensurate with the voice of the people ("I want--as all Americans want--an independent judiciary..").[44] And, not to be ignored, he spoke from a most asymmetrical speech-setting, given the access of radio technology. There is little doubt that the pressures mobilized by the president (in both public and private realms) were designed to constrain the procedures and outcomes of Supreme Court decision-making. Finally, for all the forces behind his cause, Roosevelt spoke from a sense of generalizable immediate interest, of concrete needs that must be fulfilled. And of the Judiciary? For the most part, the actual members of the Supreme Court remained aloof from the more heated allegations in the controversy (a stance that helped the Court to diffuse Roosevelt's charges of political partisanship). However, the Report of the Senate Judiciary Committee on Supreme Court Report offers friends of the Court a virtual arsenal of traditional argumentative norms. The President's proposal, "applies force..." and, "would undermine the independence of the courts." The bill, it is further claimed, would violate "all precedents in the history of our Government," and it is, "in direct violation of the spirit of the American Constitution."[45] The grounds of independence, constitutionality, legal and moral precedent and (for good measure), "the people's consent or approval," all emerge in the first several sentences of the Senate Report. Moreover, they suggest an innocent and sheltered institution under the most unseemly of political pressures. And, for those of Burkean leanings, the initial key term is "violation." Yet metaphorical nuances must be set aside in this rendering. In the midst of so much indignant hyperbole, it would be easy to overlook the fact that this Senate Report, when read as an "utterance," had the practical effect of throwing two of three branches of government over against the President, hardly a symmetrical state of affairs. The Senate Report passed judgment within the guise of "reporting." The Senate Report assumed a public capacity to indict the private motives of the President. And the Senate Judiciary Committee was non-reflective about its own political aims. In short, the Habermas ideal presuppositions seem to have encouraged a "simulated discourse" (his phrase) that contrasts an ideological form of justification (FDR) with a more hybrid form combining traditional and functional norms (Judiciary).

But may we honestly conclude that the above features of "ideality" are meanings revealed by the Habermas conditionals? After reflecting upon the procedures extended throughout this example, I cannot escape a more guarded conclusion. However important the Court-packing controversy might have been, we are only able to explicate and appreciate its meanings if we ignore Habermas' advice to suspend the conditional of sincerity. To the precise degree that we regard this discourse as strategic action (instead of strategic communicative action, i.e. action with sincere communicative or persuasive intent), we would not trouble with explicating discursive meanings at all. Rather, we would dismiss the entire incident as defective speech on a priori ethical grounds. It now becomes possible to summarize the first limitation of the Habermas ideal in terms familiar to our Kierkegaardian dichotomy. Habermas has subordinated the appreciation of meaning (*aesthetics*) to an inclusive set of a priori ideals (*ethics*). These ideals are not only uncompromising; they are also divorced from the real-life intricacies of communicative practice. The result is that Habermas can only "explain" the ordinary nuances and implications of strategic action (persuasion) insofar as they "fall short" of the ideal. He explains them by dismissing them.[46] In a system where art must bracket truth claims and strategy must suspend sincerity conditions, there can be no art *of* strategy that does not reduce to sophistry.

My first revision of Habermas is thus basic and preparatory. I would restore the sincerity conditional to strategic communicative action. For want of a better term, we might refer to this sincerity condition as *ethos*.

The failure of ideal speech conditionals to take rhetorical meanings "seriously" helps underline a related difficulty with this construct: it does *not* offer a logically-complete complement to the pragmatic-situationist view of rhetorical meaning. After all, if rhetorical arguments really were defective speech, then we might expect a real-world of ideal-speech-situations to do away with the "necessity" for rhetorical argument. But such would clearly *not* be the case. Even if we were to imagine a structurally symmetrical communicative utopia (in the Habermas vocabulary), it would be difficult to imagine that all substantive contingencies would thereby disappear. Even a world of "perfect" dialogue could not erase the human condition. Accidents would happen; exigencies would arise. Desires and dangers cannot be banished through complete access to all our partners in mortal life. To use only the world with which we are familiar, could there not be an ideal speech situation that discloses: that I am a leader without compassion, that I intend to soak the poor, indulge the privileged classes and re-imperialize the world?[47] And in the midst of such a realization, would rhetoric thereby become unnecessary? My own historical example would be hard pressed to find a more formidable real-life rival to ideality than the Supreme Court. It was and is symmetrical (to its members), authoritative, indefinitely reflexive, and historically grounded. But it did and does inhabit a world that is laced with contingency--in ways that are immune to abstract procedure. So it cannot be the case that the presence of rhetoric is somehow inversely proportional to the realization of ideal speech settings.

The second step in revising the Habermas view is to acknowledge that, while rhetoric may be grounded in the imperfections of the world, and even in the imperfections of the human condition, the meanings of rhetorical argument cannot be found in the imperfections of speech.

Finally, there is at least a possible explanation for the aforementioned difficulties: namely, the relative inattention of Habermas to argumentative form. T.M.McCarthy has acknowledged that Habermas borrowed the Toulmin analysis of arguments and the Austin-Searle analysis of speech acts from relatively alien traditions.[48] More interesting to me is what Habermas left behind with these traditions. There is, to my knowledge, no analysis of field-dependency in Habermas; analogously, there is no treatment of communicative action in Toulmin. To Searle, speech acts may oblige us in ways that can be deciphered through argument; but they are not themselves arguments. And perhaps most important, both Toulmin and Searle have come to recognize that the meaning of any solitary speech act or argument might vary widely, depending upon the other discursive acts or arguments surrounding its appearance in time.[49] The odd choice made by Habermas was to suspend not only the world of situations, but the constellation of historically prior and subsequent discourse in order to seek the ideality of meaning. Yet whatever the theoretic consistency saved by such a decision, the practical effect was to rob rhetorical utterances of their most intuitively obvious meaning constituents: the diachronic succession of related discursive acts. It now occurs that Habermas would never be able to explain the substantive intricacies of rhetorical argument, unless he looked to the formal peculiarities of the world that brought the argument forth. Arguments over practical questions are not "made up" without also being encountered;[50] however ideal their tendencies, they must begin somewhere. And so the most perplexing oversight is that characteristics that might have distinguished the form of rhetorical arguments from that of other discourse have gone unexamined by the Habermas project.

The decisive rationale for completing this revision lies, then, in the pragmatics of rhetorical form. Without denying the structural guidance of ideal-speech postulates or the indexical limits imposed by real speech situations, we may now return to the encompassing dilemma that precipitated this study (the aesthetic and ethical dichotomy) to offer three concluding suggestions: Rhetorical argument is formed amid the inherited contingencies of discourse. Rhetorical argument expresses itself through the temporal constraint exerted upon social meanings. Finally, rhetorical argument implies and anticipates the conditions for its own best understanding. These are the hypothetical and necessarily incomplete conditions for ideality in argument.

> "...promise of meaning has always implied a promise of consolation as well, for proffered interpretations do not simply bring the unsettling contingencies to consciousness but make them bearable as well."[51]

With the above insight, Habermas has happened upon what it is about rhetoric that is both situational and yet prescriptivist. What makes a situation rhetorical is not "the facts" themselves, but rather the reflection of an actor upon facts experienced now as contingent choices. Even were persons not falling into manholes and forgetting to give blood, they would still carry the weight of Kierkegaard's dilemma: how to think reflectively about non-hypothetical choices, so as to make their own characters through action. I would go still further than this, however, to suggest that we inherit through prior discourse certain contingent tensions of choice affecting character and--still more generally--culture (i.e. how am I to live my life?). Some of these contingencies inhabit the dialectical tensions discussed at the beginning of this paper (i.e. thought-action; wisdom-eloquence). Some of these contingencies lurk behind the ideal norms that Habermas discusses (see above). And some discursive contingencies (commitments, convictions) are thrown into sharp relief at the particular moment of enacting a practical choice. Whenever we must think for others as ourselves, place their interests at risk, and do the implied bidding of an unknown future, we encounter not a rhetorical situation, but a rhetorical condition. It is the human condition

Does such a grounding place rhetorical argument within the sequence of what Habermas has called communicative action? To be sure; and yet rhetorical argument is atypical for several reasons. First, rhetorical argument would suggest some sense of logical entailment among premisses that have contingent repercussions; to Habermas (who writes as if contingency is always a linguistic embarrassment), this would be counter-intuitive.[52] Second, as the Habermas conditionals acknowledge, there is a necessary absence of symmetry, permeability, and turn-taking within the affiliative structure presupposed by rhetorical argument. Third, and most important, not even the purest consensus of ideal speech situations could resolve the contingencies lying in the balance of rhetorical choice; for here practical actions are required, actions that necessarily implicate others (as audience, witness, victim). Understandably, then, the form of rhetorical argument does not occur as a discrete linguistic entity (such as the answer to a question, or the response to a greeting). Rhetorical form--absorbed by life's "probabilities"--would attempt to reflect upon its inherited burdens at a moment of enactment, while anticpating questions not yet asked, issues not yet raised.

What I have concluded thus far is that rhetorical argument must be formed within an ongoing sequence of discourse, and that such discourse as argument achieves some measure of significance by reflecting upon prior and subsequent prospects. This may be ambiguous confirmation for what Tom Frentz and myself have suggested[53] throughout ongoing research: the formal meanings of rhetorical argument are *episodic* (i.e. part of an extended sequence of related symbolic acts). But whatever terms are used to discuss the creative impulse behind argument, the expression of meaning *through* rhetorical argument must turn upon a conceptual fact integral to the "life" of the episode: duration.

As Aune and others have demonstrated, rhetorical arguments do not burst forth as fully developed kernels of thought, ready to be experienced all at once.[54] Even the most superficial arguments emerge in a graduated manner to be experienced one haphazard step at a time. And the most timely and propitious of arguments could yet lose their best audiences, if such arguments did not constrain the conditions for an optimal duration of experience. Habermas does not discuss the role of time in the ideal speech situation; since the situation is an abstraction to begin with, it probably wouldn't matter how long its interlocutors took to make a decision. I mention this hypothetical luxury now because the rhetorical advocate does not have time to wait. Instead of pausing for what pure speech and rationally-motivated consensus might bring forward (had we but world enough and time), our advocate *may have to assume what the outcome of such an ideal situation would likely be*, as well as the best pattern for its graduated emergence in an audience's understanding and concurrence. So understood, there would be an ideal posited within the moment of argument's enactment: an optimal series of grounded entailments among contingent propositions. Yet this remains an *aesthetic* possibility, outside the real-life experiences (and limited understanding) of actual audiences. The normative dimension of real arguments is also a temporal impulse: it defines an optimally-sequenced duration wherein the social knowledge presumed by argument must be enacted (or disconfirmed).

A worthy illustration of durational sequencing of meaning is offered in our Court-packing example. I find it interesting that Roosevelt, for instance, constructed his argument on Supreme Court reform in a durational sequence running from:

$$\text{Present Crisis} \longrightarrow \text{present action.}$$

There was, he said, "need for present action in this crisis." More dramatically, he warned against yielding "our constitutional destiny to a few men who, being fearful of the future, would deny us the necessary means of dealing with the present." While paying obligatory homage to constitutional precedent, Roosevelt's overwhelming emphasis was to treat government and audience as instruments in a mandated, linear pattern of historical action. In this light, what is remarkable about the Judiciary Committee's response is its much more sweeping historical compass. This durational sequence runs from:

$$\text{Past Tradition} \xrightarrow[\text{(present)}]{} \text{future needs.}$$

The present calamity almost dissolved into insignificance from the cumulative weight of principled history: "...but the milestones of liberal progress are made to be noted and counted with caution rather than merely to be encountered and passed. Progress is no mad march; rather, it is a steady, invincible stride." Even when granting that the decisions of this court may have been wrong, the Judiciary Committee turned its principles in an anticipatory direction: "Congress may repeat the process to secure another and different interpretation and one which may not sound so pleasant in our ears as that for which we now contend." If it is true that one of these arguments tended to envelope the other (as I think it is), this may have been because the Senate Committee was able to anticipate the short duration of the moment, even as it conceded the weight of interests involved. Such a stance allowed the Committee to acknowledge an expedient correctness in Roosevelt's position that was yet purely temporary (i.e. he may have been "right" at the moment, but wrong tomorrow). And most fascinating, the Judiciary Committee was able to limit the relevance of an undeniably real consensus (FDR's "mandate") to transient political concerns, even as it elaborated the implications of a purely hypothetical consensus ("the spirit of the American Constitution") to the more enduring issue at hand.[35]

Once we have acknowledged the intricacy of temporal sequencing, it should be clear that much more than strategy is at work in guiding these "meanings" of rhetorical argument. But if not strategy, or circumstance, or abstract postulate, then what? If the preceding intutions about form are correct, then rhetorical argument moves beyond its particular moment of enactment through its own devices. The discursive contingencies that absorb our reflection are always broader than the moments calling for our choice. And when we choose "out loud" we are expressing and addressing our decisions (or options) to others in some normative terms. Whether seeking confirmation or placating reservations, we must presume at least a fragmented community of interested others whenever we begin a rhetorical argument. It is a commonplace that expressed meaning may bear little resemblance to initial intent; this is becasue expressed meaning narrows the indefinite reflective possibilities to the forward path of ethical commitment. But expressed meaning, even as it confirms an advocate's choice, does not thereby end the meaning of argument. It is rather form--the aesthetic horizon of rhetorical meaning--that frees enacted utterances from their particular moment and allows their larger contingencies to be experienced and appreciated again. Roosevelt's address on the Supreme Court may have been "answered" by the Judiciary Committee. But that was only because Roosevelt himself asked so many "good" questions. It might not be far-fetched to suggest that the Judiciary Committee's answer is now part of the meaning of Roosevelt's fireside chat. Once expressed, of course, Roosevelt's own meanings could not have been changed; they marked his ethical choice. But the proper role of government in the midst of crisis remains a "live" question--in part because Roosevelt rendered his own course so eloquently. The aesthetic form of argument has helped keep the reflective options pertinent to our time. And so it is that the best rhetorical arguments (those of Lincoln, Burke) remain forceful as ethical pronouncements, even as their aesthetic form reminds us of the larger contingencies still awaiting expression. They offer a glimpse of the universal within the particular.

Yet even arguments such as these offer no more than an implication of the ideal. If rhetorical advocates are bound by the ethics of commitment, those who critique argument might do well to remain open to the aesthetic possibilities of an interpretative stance. Even very important arguments need to be rediscovered and renewed, if their meanings are not to be sedimented at the moment of last expression. In finding within rhetorical argument conditions of sincerity, episodic force, and optimally sequenced duration, I have sought to assist a critical reading of argument that is compatible with some aspects of the rhetorical tradition. Such a reading might begin with historical criticism (the rhetorical situation); it might recreate the structural claims of argument (the ideal speech situation). And the judicial criticism of argument might interpret and evaluate the meanings of discourse through terms compatible with rhetorical practice (the rhetorical condition).[56] It is not important that the exact conditionals I have outlined be the sole basis for critical judgment. But perhaps this revision may remind us that we do not have to impose ideality (or cognitivity) upon rhetorical argument from outside systems (whether concrete or abstract). To find an impulse toward ideality, we have only to take rhetorical argument on its own terms and follow its movement. For this reason also I have sought to restrict the critical theory of Habermas to a role of "explanation," rather than judgment. The tradition beginning with Socrates teaches that rhetoric may be contrasted and even explained by recourse to its dialectical counterpart. But it should not be judged that way, lest the entire enterprise be found wanting.

Notes

[1] Alfred Jules Ayer, Language, Truth and Logic (New York: Dover Publications, 1946), pp.36-7.

[2] Gerald T.Goodnight, Public Argumentation, 610-C21. I have here paraphrased the thesis of a course my colleague offers in the Communication Studies Department at Northwestern.

[3] See, especially special issues of Journal of the American Forensic Association, (Vol.13--Winter 1977) and The Western Journal of Speech Communication, (Vol.45--Spring 1981); also James Aune, "A Phenomenology of Rhetorical Utterance," Phenomenological Research in Rhetoric, Language, and Communication (Carbondale: Speech Communication Association, 1979), p. 94; and Scott Jacobs and Sally Jackson, "Collaborative Aspects of Argument Production," Speech Communication Association, San Antonio, Texas, 1979.

[4] Richard McKeon, "Dialectic and Political Thought and Action." Ethics (Vol.65, 1954), 3-16. I have offered in this text a synthesis of McKeon's remarks here and his observations in another essay (unpublished), Richard McKeon, "Philosophic Semantics and Philosophic Inquiry," University of Chicago, 1970.

[5] This claim is pursued in Thomas B. Farrell and Thomas S. Frentz, "Communication and Meaning; a Language-Action Synthesis," Philosophy and Rhetoric (Vol.12, Fall, 1979). A fascinating study of ancient cultures, Alasdair MacIntyre, After Virtue (Notre Dame: University of Notre Dame Press, 1981) suggests that the normative cultural assumptions of certain "heroic" societies (i.e. the "virtues" of Athens) were conceptually prior to methods of secular justification. I am assuming that such a thesis would limit rhetoric.

[6] William M.A.Grimaldi, S.J., "Rhetoric and Truth: A Note on Aristotle. Rhetoric 1355a 21-24," Philosophy and Rhetoric, (Vol.11, Summer, 1978), 176. See also Grimaldi, S.J. Aristotle, Rhetoric I; a Commentary (New York: Fordham University Press, 1981).

[7] Søren Kierkegaard, Either/Or: a Fragment of Life, in A Kierkegaard Anthology, ed. Robert Bretall (Princeton: Princeton University Press, 1946), pp. 19-108. An excellent commentary on this essay is provided in Robert Cumming, "The Literature of Extreme Situations," Aesthetics Today, ed. Morris Philipson and Paul J. Gudel (New York: Meridian, 1980), pp.9-44.

[8] Cumming, p.15.

[9] Walter Benjamin, "The Work of Art in the Age of Mechanical Reproduction," Illuminations, ed. Hannah Arendt (New York: Schocken Books, 1969), pp.242.

[10] This growing body of literature is reviewed with sympathy by Michael C.Leff, "In Search of Ariadne's Thread: A Review of the Recent Literature in Rhetorical Theory," Central States Speech Journal, (Vol.29 Summer 1978)

[11] Thomas B. Farrell, "Social Knowledge II," *Quarterly Journal of Speech* (Vol.64 October 1978) offers a more detailed response to the inclusive epistemic view of rhetoric.

[12] The principle source for my analysis in this section is Lloyd Bitzer, "The Rhetorical Situation," *Philosophy and Rhetoric* (Vol.1, No.1, 1968). Most of my remarks were prepared prior to encountering Bitzer's important new essay, "Functional Communication: A Situational Perspective," *Rhetoric in Transition: Studies in the Nature and Uses of Rhetoric*, ed. Eugene E. White (University Park: Pennsylvania State University Press, 1980). This essay offers a careful analysis of how situations unfold and recede through history, an analysis that could qualify some of my later proposals on the duration of episodes. On the situational limits to rhetorical "significance," however, Bitzer is adamant. And this is the burden of my present discussion.

[13] Bitzer, "The Rhetorical Situation," 6.

[14] *Ibid*. 3.

[15] *Ibid*. 6.

[16] H.P. Grice, "Meaning," *Philosophical Review* (Vol.66, 1957), 377-388.

[17] Abraham Lincoln, "Address at Gettysburg," Nov.19, 1863.

[18] If anything, this impulse toward the prescription of rhetorical responses is more evident in Bitzer's 1980 essay.

[19] Bitzer, "The Rhetorical Situation," 13.

[20] These figures have been drawn from William Manchester, *The Glory and the Dream; a Narrative History of America; 1932-1972* (Boston: Little, Brown and Company, 1974), p. 148.

[21] Such is the description of Frederick Lewis Allen, *Since Yesterday* (New York: Harper & Row, 1940), pp.235-6.

[22] The documents central to this analysis, "Radio Address on Supreme Court Reform, March 9, 1937," and "Report of the Senate Judiciary Committee on Supreme Court Reform, June 7, 1937," are both drawn from Richard Hofstadter, ed. *Great Issues in American History; From Reconstruction to the Present Day, 1864-1969*, (New York: Vintage Books,1969), pp.371-81. Future references will refer to these as Roosevelt, "Address," and Judiciary Committee, "Report."

[23] This is the opinion of Manchester. And Samual Eliot Morison observed, "But if Roosevelt lost his battle, he won the campaign," Morison, *The Oxford History of the American People*, Vol.3 (New York: New American Library, 1972), p.321.

[24] Lloyd Bitzer, "The Forum," *Quarterly Journal of Speech* (Vol.67, February, 1981) 101.

[25] Lloyd Bitzer, "Rhetoric and Public Knowledge," Rhetoric, Philosophy, and Literature: An Exploration, ed. Don Burks (West Lafayette: Purdue University Press, 1978).

[26] Thomas McCarthy, The Critical Theory of Jürgen Habermas (Cambridge: The MIT Press, 1978), chapter 4.

[27] Jürgen Habermas, Communication and the Evolution of Society (Boston: Beacon Press, 1979), p.28.

[28] Ibid. pp.29-31.

[29] See, especially Habermas, Legitimation Crisis (Boston: Beacon Press, 1975), pp.46-8.

[30] Habermas has yet to make this statement in the exact terms I have used; however, every communicative act must be able to be "discursively redeemed." Whenever a speech act is questioned, therefore, argument begins.

[31] Habermas, Communication...p.29.

[32] McCarthy, Op Cit., p.308.

[33] See, for instance, Alvin Gouldner, The Dialectic of Ideology and Technology (New York: The Seabury Press, 1976), pp.142-4; and Trent Schroyer, The Critique of Domination (Boston: Beacon Press, 1973), p. 166-7.

[34] Walter Fisher, "Rhetorical Fiction and the Presidency," The Quarterly Journal of Speech, (Vol.66, 1980) distinguishes rhetorical fictions from dialectical fictions. As I am using the term, the ideal speech situation would be a procedural dialectical fiction.

[35] Jürgen Habermas, Knowledge and Human Interests (Boston: Beacon Press, 1972).

[36] In his recent essays on "Moral Development and Ego Identity," and "The Development of Normative Structures," Habermas seems to be moving toward a position of arguing that we are evolving toward the "higher" consciousness presupposed by the ideal speech situation. This stance seems no more convincing now than when it was first suggested by Herbert Spencer.

[37] I suggested such an interpretation in "Jürgen Habermas and the Philosophy of Communication," a lecture delivered at the University of Southern California, March, 1979.

[38] See McCarthy's excellent discussion of critical theory, Op Cit., pp. 75-91.

[39] Habermas, Communication...p.41

[40] Habermas, Ibid., p.41.

[41] Habermas is rather ambiguous on this last point. But at least those norms that ground the propriety of communicative action must themselves be problematic before a practical discourse may critique them; McCarthy, *Op Cit*., p.313.

[42] These claims have been culled from the two documents cited earlier; Roosevelt, "Address," and Judiciary Committee, "Report," pp.371-81.

[43] Manchester, *Op Cit*., p.152.

[44] Roosevelt, "Address," p.373.

[45] Judiciary Committee, "Report," p.376.

[46] While this is only speculation, Habermas' developmental perspective may well represent an attempt to provide the ideal speech situation with a kind of "explanatory" force.

[47] Any resemblance in this example to persons living or dead is purely coincidental, and not intended by the author (one advantage of bracketing the validity claims of theoretic discourse).

[48] McCarthy, *Op Cit*., p.275-83.

[49] In his most recent work, Searle employs the qualifier, "Differences in relations to the rest of discourse," as one determinant of the type of illocutionary act in question. John Searle, *Expression and Meaning* (Cambridge: Cambridge University Press, 1979), p.6. Stephen Toulmin, in *Human Understanding* (Princeton: Princeton University Press, 1977), p.401, notes: "A decision of policy, by contrast, always involves dealing with some specific and complex issues as it stands; and the essential character of the problem is falsified by any prior abstraction."

[50] I am here maintaining that O'Keefe's distinction between, "Two Concepts of Argument," *Journal of the American Forensic Association* (Vol.13, 1977), 121-128, breaks down in practice. In practice, the only way to *have* an argument (as opposed to having a drink, having an affair, having a baby) is to have something to do with *making* an argument.

[51] Habermas, *Legitimation Crisis*, p.119.

[52] The entire "logic of legitimation problems" is designed to save certain propositions from "mere" contingency.

[53] Thomas B. Farrell and Thomas S. Frentz, *Op Cit*., 233-234.

[54] Aune, *Op Cit*., p.97.

[55] Judiciary Committee, "Report," p.376-7.

[56] I have tried, in other words, to make the stages of this analysis compatible with Black's usage of Greene's three constituents of criticism, Edwin Black, *Rhetorical Criticism; a Study in Method* (Madison: University of Wisconsin Press, 1978), chapter 3.

THE IDEAL SPEECH SITUATION:
A DISCUSSION OF ITS PRESUPPOSITIONS

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The past few years have witnessed an explosion of interest in the social and critical theory of Jurgen Habermas.[1] Communication theorists as well as argumentation theorists have become especially intrigued with Habermas' attempt to ground his critical theory within a normative conception of ideal communication.[2] One crucial component of Habermas' project is his concept of the ideal speech situation.[3] This concept is scaffolded off of a series of presuppositions and claims, all of which give the ideal speech situation a peculiar theoretical and practical status. Putting into practice ideal speech and arranging the ideal speech situation have become preoccupations of Habermas' fans and critics.

This essay is a short examination of the wisdom of such preoccupations. After a summary of the presuppositions of Habermas' communication theory that are necessary for understanding the nature of the ideal speech situation (Section One), I will discuss those presuppositions of Habermas' theory that creates problems for sustaining both the theoretical and practical status of the ideal speech situation (Section Two).

I

Communicative Action

Habermas first articulates a theory of universal pragmatics in which he systematically reconstructs "the general structures which appear in every possible speech situation, which are themselves produced through the performance of specific types of linguistic expressions generated by the linguistically competent speaker."[4] Habermas begins by asserting that every communicative event proceeds against a backcloth of shared understandings about four domains of reality. These domains are the external world about which we make statements, the inner reality of the speaker, the normative reality of society and the intersubjectivity of language. The very accomplishment of shared understanding in communication requires the preexisting shared agreement and interpretation of these reality structures.

In order to understand how these domains of reality are expressed through speech actions, Habermas extends Austin and Searle's analyses of the speech act.[5] Following Searle's principle of expressibility Habermas assumes that whatever can be meant can be said. In performing a speech act, a speaker both expresses some propositional content and, by using a performative verb, situates that propositional content within a particular relational context that allows for its understanding.

Thus when presented in an explicit form speech acts possess a characteristic double structure.

Now in order for a speaker and hearer to understand one anothers' speech acts, interactants mutually recognize that a set of conventional presuppositions must be met for a speaker to perform a specific speech act acceptably, "non-defectively," and understandably. These speech act-specific conditions are the conditions that bind a listener to consider a speaker's utterances seriously. In analyzing these "felicity" conditions, Habermas relies upon Searle's differentiation of propositional content, preparatory, essential and sincerity rules.[6] The propositional content conditions refer to the presupposed ability of a hearer to interpret similarly the propositional content of a speech act. A proper use of the propositional component involves presupposing that a single experience can be identified sufficiently by the hearer from the speaker's utterance. The preparatory rules determine the context restrictions typical for a particular speech act. For example, one preparatory condition for a request is that the speaker believe the listener is able to carry out the suggested action. A third class of presuppositions are the essential rules of the speech act. The essential rules detail the explicit meaning of the interpersonal relation to be established; that is, in uttering a speech act a speaker engages himself in a way that has consequences for his actions. The fourth kind of presupposition, called sincerity rule of a speech act, places certain restrictions on the psychological state of the speaker.

Taken together, these presuppositions form the conditions under which a speech act may be uttered acceptably and understandably. Habermas calls this the "generative power of speech acts" and explains this phenomenon as follows:

> . . . the bond into which the speaker is willing to enter with the performance of an illocutionary act means a guarantee that, in consequence of his utterance, he will fulfill certain conditions—for example . . . drop an assertion when it proves to be false, follow his own advice when he finds himself in the same situation as the hearer; stress a request when it is not complied with . . . and so on.[7]

However, if in fact a speech act has the illocutionary force to move a hearer to rely on the commitments of a speaker who utters a particular speech act, what is the source of the "power" to generate the relation intended by the speaker?

Habermas unravels this problem by explaining that the "illocutionary force" of a speech act is derived from the mutual recognition of a set of general universal "validity claims" operating in every speech situation. These general validity claims underlie the flow of normal communication and enforce the speaker's obligation to fulfill speech act-specific conditions. Specifically, underlying the possibility of communication is a reciprocally imputed assumption by actors that their utterances are intelligible, true, sincerely voiced and appropriate with respect to prevailing social norms. These four "validity claims' are universal, and in smoothly functioning communication naively accepted by interactants. Interpersonal understanding is made possible by the presupposed agreement between actors that their utterances are comprehensible, true, sincere, and socially appropriate. Moreover, these validity claims have a rational basis attached to them; speakers and listeners work under the assumption that these validity claims can be justified by the utterer of the speech act. These mutually imputed validity claims form a "background consensus" that is unreflectively maintained in smoothly functioning communication.

When communication becomes problematic between persons, Habermas claims it is because one or more validity claims associated with an utterance is called into question. Interactants must halt the flow of communicative action and reconcile their understandings about the particular validity claims in question if the conversation is to continue. Normally questions about the intelligibility of an utterance are resolved through simple explications or negotiations about linguistic usage. Questions about the speaker's sincerity are resolved by comparing the speaker's behavior with his/her utterances or by consulting a third party. Simple questions about the truth or appropriateness of utterances are resolved through explanations and justifications supplied by interactants. All of these procedures are used to reestablish a prior background consensus or establish a new consensus. However, when the truth or appropriateness of an utterance cannot be resolved in this manner, Habermas says we are faced with three alternatives: stopping discussion; switching over to strategic forms of interaction such as conflict or competition; or raising communication to a level Habermas terms "discourse."

Discourse

Discourse is a mode of communication in which the truth or appropriateness of an utterance is examined critically by interactants and either accepted or rejected with arguments. Before discussing the specific features of discourse, it is important to note that Habermas subscribes to a modified version of Pierce's consensus theory of truth. Habermas argues that while an individual may verify his/her perceptions as true by re-perceiving them, once asserted as publicly delivered claims these perceptions can only be tested for their validity through intersubjective understandings and standards. The determination of the truth of a claim is by recourse to the judgments of others, that is, to whether or not one can discursively justify one's claim so that others agree. As Habermas explains:

> I may ascribe a predicate to an object if and only if every other person who could enter into dialogue with me would also ascribe the same predicate to the same object. The truth of statements is the potential agreement of all others.[8]

Moreover, Habermas maintains that a consensus achieved in discourse consists in judging explanations and justifications under conditions of discourse that "show the consensus to be warranted. Truth means 'warranted assertability.'"[9] A warranted consensus is achieved in discourse only be considering the "force of the better argument."

Now in order for participants in discourse to be influenced solely by the "force of the better argument," they must do two things. Participants in discourse must, first, suspend their judgments about the truth or appropriateness of the contested claim until a consensus has been reached, and second, be willing to set aside all motives except a cooperative willingness to come to a rational agreement. Given this open-minded atmosphere, discourse consists in the exchange of substantial arguments, and the evaluation of those arguments using the pragmatic modality of cogency (or soundness). Cogent arguments rationally motivate participants in a discourse to accept claims to the truthfulness of affairs or claims to the appropriateness of a norm. Cogent arguments are cast in language deemed appropriate for the purposes of the argument. As Habermas explains:

> With our choice of a language system we assign the phenomenon needing explanation or justification to a determinate object-realm. The fundamental predicates of the language system determine with what kinds of causes, motives and reasons and with what classes of accepted laws or rules the described phenomenon can be brought into relation....The chosen language system also decides about what classes of experiences may enter as evidence into a given argument context, i.e. what kind of backing is permitted.[10]

Given these conditions, then, participants in discourse exchange substantial arguments until a satisfactory consensus regarding the contested validity claim is reached; when this happens discourse ends and there is a return to routine communicative action.

While the conditions for discourse may seem to describe ideal communicative states, Habermas contends they are implicit in the very structure of non-problematic communication. Normal communication proceeds just because each communicator assumes that the other intentionally holds the beliefs he does, intentionally follows the norms he does, and is capable of justifying these beliefs or norms if called upon to do so. For Habermas, the supposition that persons hold themselves to be rationally accountable for their claims to truth and appropriateness is the glue that makes human communication possible; the possibility of engaging in discourse to produce rational agreement about matters of truth or normative appropriateness is implicit in the very idea of a competent communicator.

Of course it should be pointed out that rational accountability is all too often not realized empirically. Often speakers are unable to give reasonable explanations or justifications for their utterances.

Habermas deals with this quandry in his theory of systematically distorted communication.[11] In this theory he explains how neurotic or ideological influences permit the formation and acceptance of claims that cannot be grounded or justified by a speaker. Further, resistance and communication structures perpetuate these key validity claims as rational. That is, they are taken to be based on a rational consensus, when in fact the claims are maintained on a "false" or unfounded consensus.

Since discourse can be affected by ideologically based contents, a consensus reached in discourse has no guarantee of being genuinely "rational," "true," and "real." How, then, one may ask, can we determine when a truly rational or true consensus has been reached in discourse? He unravels this problem in his concept of the ideal speech situation.

The Ideal Speech Situation

In order to characterize a "rationally motivated consensus," Habermas presents two formal rational criteria. First, as already been mentioned, arguments in discourse must be cogent. Cogent arguments rationally motivate participants in discourse to accept claims to truth or appropriateness. The possibility of producing cogent arguments rests upon the freedom to examine critically the conceptual fields within which the data and warrants of arguments are described. That is, we must have the freedom to scrutinize theoretical explanations and value justifications, freedom to scrutinize the appropriateness of the conceptual frame of the arguments and freedom to critique the adequacy of the conceptual and linguistic systems themselves. As Habermas puts it, we must have the freedom "to move from a given level of discourse to increasingly reflected levels."[12]

The ability to shift back and forth from these levels of discourse is guaranteed by Habermas' second rational criteria, which is that agreements in discourse be advanced in an ideal speech situation. Such a situation must possess four requirements. First, all speakers must have equal opportunities to initiate and perpetuate discourse, that is, to employ communicative speech acts. Second, all speakers in discourse must have equal opportunity to employ constative speech acts, or in other words, each must have the same chance to construct explanations, assertions, recommendations, and justifications in the critical examination of opinions. However, the ideal speech situation must not only guarantee unlimited discussion but must also insure that discussion is free from distorting influences stemming from domination, strategic behavior, or self-deception. Thus all speakers must also have equal opportunity to express their feelings, intentions, etc., sincerely so that their "inner natures" are transparent to others. In other words, speakers must be able to employ representative speech acts. Finally, speakers must have the same chance to employ regulative speech acts, i.e., to command and oppose, to permit and forbid, and so forth. This symmetry condition insures complete reciprocity with respect to participants' power and special privileges.[13]

These four requirements form the structure of the ideal speech situation. They insure that speakers in discourse will have the potential for engaging in a true, free and just discussion and hence, the possibility of attaining a rational consensus. However, it is important to realize that the situation and form of life embodied in the ideal speech situation are just that -- ideals. Habermas recognizes that while the ideal speech situation is inherent in the structure of communication, it is rarely if ever realized in actual discourse. This is so because the spatio-temporal limits of the communicative process and the psychic endurance of the participants place restrictions on actual discourse. An even greater problem is in determining empirically when we have met the conditions of ideal speech in discourse.[14] Although Habermas claims that we can compensate for the first two problems by manipulating the institutional context, the third problem is more serious, since we definitely lack an external criterion of judgment. Thus Habermas is forced to explain the status of the ideal speech situation as follows:

> The ideal speech situation is neither an empirical phenomenon nor a mere construct, but rather something we must unavoidably reciprocally impute in discourses. This imputation can, nay must not be contrafactual; but even if it is made contrafactual it is an operationally effective fiction in the process of communication. Therefore, I refer to speak of an anticipation, a prefiguration of an ideal speech situation. This prefiguration alone assures that we may associate with an actually achieved consensus the claim of a rational consensus; at the same time it is a critical standard against which every actually achieved consensus can be brought into question and subsequently examined as to whether it is a sufficient indicator for a warranted consensus.[15]

In other words, within every act of communication are the suppositions that actors are free to select and employ any communicative act and that actors are able to account for their validity claims in a rational way. The ideal speech situation is a normative anticipation in communication: "it is anticipated, but as anticipate foundation also operative."[16] It represents both a set of practical hypotheses and also a regulative ideal against which consensual agreements can be evaluated. This ideal rational standard is not arbitrary, for it is derived from the very possibility of communication; thus the constitutive ground of communication and discourse implicitly embodies the basis of rationality.

Recently Habermas has attempted to explain the competences necessary for engaging in an ideal speech situation.[17] These communicative competences include the interrelated development of cognitive, linguistic and interactive abilities with simultaneous (affective or) motivational development. All of these abilities develop along the dimensions of reflexivity, differentiation, abstraction and generalization. Thus the required cognitive abilities for engaging in the ideal speech situation is formal operational thought and the ability to distinguish between competing interpretations of experience, the ability to distinguish between particular and general norms, the ability to distinguish between heteronomy and autonomy and the ability to understand and apply reflexive principles. The required interactive abilities include mastery of forms of address, personal pronouns, a deitic system, performative verbs, and a system of intentional expressions.

II

Several features, some problematic, need to be noted with regard to the ideal speech situation.

First, note that Habermas does not guarantee the actual realization of an emancipated form of life. Rather, the ideal speech situation constitutes a set of practical hypotheses that have the potential for realization in particular concrete contexts. The presence of the possibility of ideal speech allows individuals to become aware of the objective possibilities inherent within social systems and to become aware of the structures necessary for preventing or achieving these possibilities. Thus the ideal speech situation, although a form of speech, contains "a substantive normative foundation whose mode of actualization cannot be determined apart from the empirical structures of concrete historical contexts."[18]

Furthermore, even though Habermas claims the ideal speech situation provides a critical standard for evaluating agreements produced in discourse, it does not exist empirically. Still, the ideal speech situation can be used as a normative standard for the critique of distorted communication because it is anticipated in the structure of communication. Unfortunately, Habermas does not really tell us how the conditions of the ideal speech situation are to be used in judging whether a consensus suffers from constraint or distortion. It is unclear whether we all must consciously structure our interaction around the principles of the ideal speech situation. It's also unclear how far these principles must be violated to be able to claim that a consensus reached in discourse is tainted by ideological distortions, and hence is unwarranted.[19]

Finally, it might be argued that Habermas guarantees the possibility of achieving pure intersubjectivity in an ideal speech situation. After all, Habermas does generally adopt Searle's principle of expressibility, and also assumes that in ideal speech the speaker and the hearer's interpretations are identical. However, if we regard these features as analytic truths about language I think we run into several difficulties.[20]

Rommetveit has already argued that Searle's principle of expressibility and Habermas' idealized conception of speech ignore the fact that semantic systems only "border on our knowledge of the world."[21] Semantic systems are ambiguous and open; they are never entirely neutral with respect to competing conceptual frames. An expression can be conceived as possessing an unlimited set of semantic potentialities; as soon as one assigns some propositional content to a message, the combinatorial possibilities of semantic potentialities are constrained. Thus with any utterance understanding is never identical or wholly determined. Rommetveit explains further:

> The entire set of basic semantic potentialities inherent in ordinary language may thus be thought of, not as static components of a linguistically mediated shared knowledge of the world, but as constituting a common code of drafts of contracts, i.e. of potentially shared strategies of categorization and cognitive-emotive perspectives on what is being talked about. And only particular fragments of sustained shared world knowledge enter the HERE-and-NOW of any given dialogue. What is attended to and what is tacitly taken for granted in any particular case of social interaction are dependent upon variant background expectancies, and which aspects of a multifaceted social situation are focused upon are in part determined by the explicitly given or tacitly assumed referential domain of discourse and the actor's engagement and perspective. Institutionally, ritually and situationally provided frames for social interaction, moreover, will determine which more restricted subsets of semantic potentialities are intended within different kinds of contexts. And some of the optional elaborations are, as already mentioned, negotiable. Which one of a set of alternative interpretations is valid may thus at times be a matter of control of the dialogically established HERE-and-NOW.[22]

Upon closer analysis, there are several reasons why Rommetveit concludes that there is in principle "no natural end to our explication of linguistically mediated meaning."[23]

First, an utterance's meaning is dependent upon a multiplicity of interpretive frames within which the temporally ordered exchange of speech acts is interpreted. Speech acts are always interpreted within embedded schemes of social, situational and personal collections of knowledge.

Habermas appears not to recognize the multiplicity of interpretive frames within which we channelize our communicative intentions. Perhaps this is due to Habermas' dependence on speech act theory. Yet Cicourel, as well as others, have clearly demonstrated that speech act theory does not tell researchers how classified speech acts are "integrated with higher-level predicates or how complex predicates can be used to predict or anticipate the form and content of different types of discourse."[24] We use both knowledge about discourse and knowledge about the world to assign a meaning to uttered speech actions. Speech acts are only understood within larger plans, frames or schemata which persons use to interpret events. Thus speech acts become only one type of unit that organizes and is organized by social interaction. Applied to argumentative discourse the meaning of any argument is captured through a speaker's and hearer's use of multiple embedded frames of references for interpreting the event.

Rommetveit's second observation about the indeterminancy of meaning is that meaning is historical. The meaning of argumentative discourse is always partially determined by the shared taken-for-granted knowledge held between participants about what has gone on before and the personal projects and lines of action that are planned for the future. But since a speaker and hearer's interpretation processes and background experiences differ, what is taken for granted at a given moment in argument will also differ between participants.

Furthermore, the illocutionary force of an utterance is never unambiguously displayed for a hearer to respond to. As Streeck points out, "Speakers leave options to hearers to treat and respond to utterances to some extent according to their relevances."[25] Thus a third important feature of meaning is that it is emergent. The meaning of utterances in argumentative discourse is found by the way we treat others' remarks as well as any reflective interpretation of those remarks. As Jacob has put it, meaning must be seen as a mutually constructed event, since social actors adhoc their way through talk. He explains:

> (T)he continuity of one's personal contribution to a conversation is in part given by the way in which other participants treat one's remarks and by the conversation it continues. Speakers regularly produce implicit reinterpretations of their own prior utterances by treating the utterances of the other participants as being competent remarks which presuppose a certain construction of their own prior utterances. In adapting to the practical problems of managing joint activity the meanings of all utterances become subject to an implicit social negotiation. What anyone means will be conditioned by what has already been said and will be fleshed out in the following exchange. The sense of personal acts thus becomes irrevocably embedded within the social context of the joint activity being negotiated.[26]

Jacobs further observes that because of the above features of conversation "the sense of conversation is a situated accomplishment subject to continual revision and reconstruction."[27] Applied to argumentative discourse, the meaning of arguments consist not in isolated chunks of disagreement or in capsules of argument sequences, but in their sense jointly produced by interactants and negotiated over time.

Upon examination of Habermas' theory, I think these properties of meaning are found to be either ignored or reinterpreted as features of defective speech. Habermas erroneously assumes that these features of meaning do not describe the analytic units he desires to account for; that is, communicative actions that are propositionally differentiated, verbal, institutionally unbound, explicit and context independent. Within Habermas' view, part of the meaning of the ideal speech situation is the very possibility of coming to a state of pure accord, pure intersubjectivity with one another. Attaining perfect understanding is, of course, not possible because of the practical space and time constraints usually placed upon discourse and the psychological endurance of the participants. Yet, if these conditions were to be altered, Habermas claims it would be empirically possible to exchange arguments in an ideal speech situation.

However, the meaning of any communicative action is inextricably connected to the stuff of and behind the stream of talk in which the act is embedded. So Rommetveit reminds us that even if we arranged the optimum institutional context, the form of ideal discourse can never become an empirical realization unless we abstract the argumentative discourse out of the here and now, out of the ongoing stream of life, so we may freeze its semantic potentialities for explication and disucssion.

At first glance, one would think that Habermas' concept allows for this exercise in abstraction. And if we regarded the concept as purely a formal one, Rommetveit's additional condition for the ideal speech would pose no problem. Yet a powerful aspect of Habermas' concept is that it is a practical hypothesis that is always anticipated in ongoing discourse. As Habermas puts it: "We act contrafactually as though the ideal speech situation were not a mere fiction .... The normative foundation of linguistic communication is consequently two-fold: anticipated, but as anticipated foundation also operative."[28]

Unfortunately Rommetveit's additional condition is not attainable even if practical material conditions were arranged for other features of ideal speech to become operative. That is, the meaning of examined arguments in discourse is only partially shared, situationally determined by a multiplicity of interpretive frames, and jointly negotiated over the course of an argumentative exchange. Unlimited discussion can aid but never guarantee the unpacking and managing of meaning attached to arguments made in support or attack of a contested validity claim since such support or attacks always takes place in a communicative context.

Fortunately, the result of Rommetveit's analysis is not to dismiss Habermas' concept of the ideal speech situation. For the very presuppositions on which it rests must be imputed in order to engage in communication and discourse at all. Like Habermas, Rommetveit realizes that transcending the private worlds of actors in communication presupposes certain cognitive and social perception processes that produce mastery of the ideal speech situation. As Rommetveit puts it: Reciprocity and complementarity may indeed be conceived of as a generative 'pragmatic postulate' in the construction of intersubjectivity."[29] Moreover, speakers and hearers must be oriented to one another in the direction of communication. To give Rommetveit's example: "I have, for instance, to assume that my partner in the dialogue is trying to answer my question in order to make sense of his response to it."[30] We understand one another because we possess a mutual faith in a shared social world, in interpretation, and in the recognition of speakers to express their intentions when they speak. Thus Rommetveit's conclusion is this:

> Searle's assumption that everything that can be meant can also be said may thus be an analytic fallacy about ordinary language. That fallacy, however, can be converted into a true, even though semi-paradoxical generative 'pragmatic' postulate: we must, naively and unreflectively, take the possibility of perfect intersubjectivity for granted in order to achieve partial intersubjectivity in real-life discourse with our fellow men.[31]

Rommetveit is not the only communication theorist to make this observation. Goffman puts the same point in this manner: "All of this suggests that a basic normative assumption about talk is that, whatever else, it should be correctly interpretable . . . . Indeed, one routinely presumes on a mutual understanding that doesn't quite exist. What one obtains is a working agreement, an agreement 'for all practical purposes'. But that, I think, is quite enough."[32]

So the possibility of attaining perfect understanding must be reciprocably imputed in discourse in order to engage in discourse at all. Added to this normative supposition is the supposition of rational accountability and the related supposition of possible engagement in an ideal speech situation. But sadly, even with these imputations, and even with a symmetrical institutional context and unlimited, free and just discussion, Rometveit's and Goffman's points are that we are denied any guarantee of perfectly understood rational decisions. We are led, then, to a final question: What becomes of the ideal speech situation as an operative critical standard?

I believe that Rommetveit's analysis only qualifies Habermas' theory of rationality. In order to be able to move freely between the different levels of discourse to assure that the most cogent arguments will be created, we must interact in ways that create the most "impartial rational standpoint", ways that are anticipated by the ideal speech situation. Although the features of ideal speech do not guarantee perfect accord (even when material conditions are ideal), the elements and presuppositions of ideal speech become the best we can do due to the nature of human communication. Solace is found in the fact that these normative assumptions are not arbitrary because luckily, these normative assumptions form the working agreement held between us that permits us to communicate at all.

ENDNOTES

[1] For a general introduction to Habermas' theories, see Thomas McCarthy, The Critical Theory of Jurgen Habermas, (Cambridge; The MIT press, 1978).

[2] For example, see the special issue of the Journal of the American Forensic Association, 13 (Winter 1977).

[3] This concept is discussed in several of Habermas' works, especially in "Theories of Truth," trans. Richard Grabau (unpublished manuscript, Purdue University).

[4] T. A. McCarthy, "A Theory of Communicative Competence," Philosophy of the Social Sciences, 3 (1973), pp. 136-37.

[5] See Jurgen Habermas, Communication and the Evolution of Society, trans. Thomas McCarthy (Boston: Beacon Press, 1979), Chapter 1.

[6] Habermas, Communication and the Evolution Society, p. 62.

[7] Habermas, Communication and the Evolution of Society, p. 62.

[8] Habermas, Theories of Truth, p. 6.

[9] Habermas, Theories of Truth, p. 22.

[10] Habermas, Theories of Truth, p. 26.

[11] For discussion of this theory, see Habermas, "Toward a Theory of Communicative Competence," in Recent Sociology, No. 2: Patterns of Communicative Behavior, ed. Hans Peter Dreitzel (New York: Macmillan, 1970).

[12] Habermas, Theories of Truth, p. 31.

[13] Habermas, Theories of Truth, p. 33-4.

[14] Habermas, Theories of Truth, p. 34-5.

[15] Habermas, Theories of Truth, p. 35.

[16] Habermas, Theories of Truth, p. 35.

[17] Habermas, Communication and the Evolution of Society, Chapter Two; Jurgen Habermas, "Some Distinctions in Universal Pragmatics: A Working Paper," Theory and Society, 3 (1976), 155-167.

[18] Brant R. Burleson and Susan L. Kline, "Habermas' Theory of Communication: A Critical Explication," Quarterly Journal of Speech, 65 (1979), 412-28.

[19] See Burleson and Kline for a fuller discussion of these points.

[20] My analysis follows Rommetveit's. See Ragnar Rommetveit, "On Negative Rationalism in Scholarly Studies of Verbal Communication and Dynamic Residuals in the Construction of Human Intersubjectivity," in *The Social Contexts of Method*, ed. Michael Brenner, Peter Marsh and Marilyn Brenner (London: Croom Helm, 1978), 16-32.

[21] For a general discussion, see R. Rommetveit, *On Message Structure* (New York: Wiley, 1974).

[22] R. Rommetveit, "Codes and Dynamic Residuals in Human Communication," in *Studies of Language, Thought and Verbal Communication*, ed. R. Rommetveit and R. M. Blakar (London: Academic Press, 1979), p. 165.

[23] Rommetveit, "On Negative Rationalism," p. 22.

[24] Aaron V. Cicourel, "Three Models of Discourse Analysis: The Role of Social Structure," *Discourse Processes*, 3 (1980), p. 123.

[25] Jurgen Streeck, "Speech Acts in Interaction: A Critique of Searle," *Discourse Processes*, 3 (1980), p. 148.

[26] Scott Jacobs, "The Practical Management of Conversational Meanings: Notes on the Dynamics of Social Understandings and Interactional Emergence," Paper presented to the Annual Convention of the Speech Communication Association, Washington, D.C., December 1-4, 1977, pp. 13-4.

[27] Jacobs, p. 14.

[28] Habermas, Theories of Truth, p. 35.

[29] Rommetveit, "On Negative Rationalism," p. 30.

[30] Rommetveit, "On Negative Rationalism," p. 30.

[31] Rommetveit, "On Negative Rationalism," p. 31.

[32] Erving Goffman, "Replies and Responses," *Language in Society*, 5 (1976), p. 261.

HABERMAS' IDEAL SPEECH SITUATION:

SOME CRITICAL QUESTIONS

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The purpose of this paper is to explore some of the questions that have been raised in criticism of Jurgen Habermas' conception of the "ideal speech situation." That formal description of conditions constitutive of rational discourse has come to serve an important role in the epistemology undergirding Habermas' critical social theory. As a result, numerous analysts and critics of Habermas' work have commented on it. As a part of his theory of communicative competence, the notion of an ideal speech situation has implications for scholars in many branches of speech communication.[1] It is an idea deserving attention.

A definitive and exhaustive analysis of the critical reaction to Habermas' recent development of the theory of communicative competence, however, would be an enormous task. Habermas' critics come at him from a wide variety of disciplines grounded in disparate intellectual traditions: some of the works are in languages other than English, and even some available in English are marked by a prose style as dense as Habermas' own. As a result, this paper will necessarily be selective in the problems discussed. I will focus on a few of the difficulties raised with direct reference to the ideal speech situation. That they are significant problems for the development of Habermas' theory is suggested by the fact that they are all noticed, at least, by Habermas' most friendly interpreters.[2]

One final caveat. I find myself in a position like that of Polus in Plato's Gorgias. I am inclined to plunge into the critical discussion to defend a position to which I subscribe, but lacking the depth and subtlety of the original author, I risk making his good ideas appear less so. I therefore caution that these remarks be understood as one student's attempt to comprehend and grapple with complex issues. Ultimately, we may expect Habermas to answer for himself.

This paper begins with a brief synopsis of Habermas' theory of communicative competence in order to establish the place of the ideal speech situation within the larger scheme.[3] The second part of the paper will take up some critical responses.

I

The overarching goal of all of Habermas' work is the construction of a critical social theory that can serve emancipatory interests. The ultimate aim of emancipation is "the organization of society linked to decision-making processes on the basis of discussion free from domination."[4] Although the emphasis on communication developed gradually in Habermas' work, the core idea was expressed in his 1965 Inaugural Lecture at Frankfurt:

> The human interest in autonomy and responsibility is not mere fancy, for it can be apprehended a priori. What raises us out of nature is the only thing whose nature we can know: *language*. Through its structure, autonomy and responsibility are posted for us. Our first sentence expresses unequivocally the intention of universal and unconstrained consensus. Taken together, autonomy and responsibility constitute the only idea that we possess a priori in the sense of the philosophical tradition.[5]

Burleson and Kline remark that "the theory of communicative competence may be understood as the attempt to make good the claims contained in this passage."[6] Within language, understood as communicative competence, are both the promise and the possibility of achieving the good life. The following is a very condensed sketch of the main components of the theory.

Universal Pragmatics

"The task of universal pragmatics," Habermas writes, "is to identify and reconstruct universal conditions of possible understanding."[7] The analysis is limited to what Habermas calls "communicative action" because, he asserts, "I take the type of action aimed at teaching understanding to be fundamental."[8] His assumption is that "other forms of social action--for example, conflict, competition, strategic action in general--are derivatives of action oriented to reaching understanding."[9]

Universal pragmatics undertakes an analysis and reconstruction of "*general structures* which appear in every possible speech situation, which are *themselves produced through* the performance of specific types of *linguistic expressions*, and which serve to situate pragmatically the expressions generated by the linguistically competent speaker."[10] These general structures Habermas calls "the dialogue-constitutive universals" for these are the structures that competent speakers must have mastery of in order to engage in communication oriented to achieving understanding.[11] Of the dialogue constitutive universals, Habermas has focused his attention on performative verbs to produce a classification of speech acts which becomes the foundation for his analysis of the validity basis of speech. He classifies performative verbs into the four following types:

communicatives (e.g. say, express, speak, ask, mention),

> which express the pragmatic meaning of utterances qua utterances; *constatives* (e.g. state, assert, describe, explain), which explicate the meaning of statements qua statements; *representatives* (e.g. admit, confess, conceal, deny), which are used with propositional contents containing intentional verbs (e.g. like, wish, want) to explicate the meaning of the self-representation of the speaker before the hearer; and *regulatives* (e.g. command, forbid, allow, want), which explicate the meaning of the speaker/hearer's relation to rules which can be followed or broken.[12]

Habermas links this analysis to the taken-for-granted background consensus that pertains in any smoothly functioning communicative interaction. Under the heading "validity basis of speech," he introduces the idea in this way:

> I shall develop the thesis that anyone acting communicatively must, in performing any speech action, raise universal validity claims and suppose that they can be vindicated [or redeemed: *einlosen*]. Insofar as he wants to participate in a process of reaching understanding, he cannot avoid raising the following--validity claims. He claims to be:
>
> a. *Uttering* something understandably;
> b. Giving [the hearer] *something* to understand;
> c. Making *himself* thereby understandable, and
> d. Coming to an understanding *with another person*.
>
> The speaker must choose a comprehensible [verstandlich] expression so that speaker and hearer can understand one another. The speaker must havae the intention of communicating a true [wahn] proposition (or a propositional content, the existential presuppositions of which are satisfied) so that the hearer can believe the utterance of the speaker (can trust him). Finally, the speaker must choose an utterance that is right [richtig] so that the hearer can accept the utterance and speaker and hearer can agree with one another in the utterance with respect to a recognized normative background. Moreover, communicative action can continue undisturbed only as long as participants suppose that the validity claims they reciprocally raise are justified.[13]

Communicative Action and Discourse

By "communicative action" Habermas means any on-going normal conversation in which the validity claims of comprehensibility, truth, truthfulness and rightness are naively accepted. When that background consensus is called into question, however, the doubted validity claim must be redeemed somehow. Presumably, simple disturbances may be corrected within the context of on-going communication. In the case of serious disturbances of understanding, participants "are faced with the alternative of breaking off communication altogether, switching over to strategic forms of interaction (such as conflict or competition), or raising communication to the level of argumentative discourse for the purpose of examining the problematic (hypothetical) claims."[14] Habermas contrasts "discourse" with "communicative action" as follows:

> In actions, the factually raised claims to validity, which form the underlying consensus, are assumed naively. Discourse, on the other hand, serves the justification of problematic claims to validity of opinions and norms. Thus the system of action and experience refers us in a compelling manner to a form of communication in which the participants do not exchange information, do not direct or carry out action, nor do they have or communicate experiences; instead they search for arguments or offer justifications. Discourse therefore requires the virtualization of constraints on action. This is intended to render inoperative all motives except solely that of a cooperative readiness to arrive at an understanding.[15]

Truth claims are thematized in constative speech acts and are redeemed in theoretical discourse. Normative claims are thematized in regulative speech acts and are redeemed in practical discourse. Although the internal "logics" of the two types of discourse differ,[16] both "are cases of the rationalization of a choice in the medium of unconstrained discussion."[17] The possibility of discursive redemption of truth claims and normative claims rests on the "supposition of mutual accountability," i.e. "that people know why they hold the beliefs and norms they do, and are able to provide explanations and justifications for them if required."[18] The attempt to further clarify the nature of discourse has led Habermas to develop a consensus theory of truth and a characterization of the ideal speech situation. He links those concepts to discourse in this way:

> With the aid of a consensus theory of truth, which would have to justify, in the face of competing theories of truth, why a criterion of truth independent of discourse cannot be meaningfully postulated, the structure of discourse would have to be clarified with respect to the unavoidable reciprocal anticipation and presupposition of an ideal situation of discourse [sprechsituation]. And correspondingly, the idealization of pure communicative action would have to be reconstructed as the condition under which the authenticity of speaking and acting subjects can be imputed as well as verified.[19]

The Consensus Theory of Truth

Habermas' theory of truth is, itself, the subject of some controversy which cannot be taken up here. I will merely sketch the main lines of the theory and follow McCarthy in noting what is perhaps the least objectionable interpretation of it.[20] The central idea of Habermas' theory is captured in this passage:

> I may ascribe a predicate to an object if and only if every other person who could enter into a dialogue with me would ascribe the same predicate to the same object. In order to distinguish true from false statements, I make reference to the judgment of others--in fact to the judgment of all others with whom I could ever hold a dialogue (among whom I counterfactually include all the dialogue partners I could find if my life history were coextensive with the history of mankind). The condition of the truth of statements is the potential agreement of all others.[21]

Habermas holds that "truth must be viewed in a pragmatic context as a validity claim that we connect with statements by asserting them."[22] McCarthy further characterizes what is perhaps the strongest version of Habermas theory:

> The conclusion to be drawn from this line of argument is that ultimately there can be no separation of the criteria for truth from the criteria for the argumentative settlement of truth claims. The question, Under what conditions is a statement true? is in the last analysis inseparable from the question, Under what conditions is the assertion of that statement justified? "The idea of truth can be unpacked only in relation to the discursive redemption of validity claims." Accordingly Habermas' "logic of truth" takes the form of a "logic of theoretical discourse," that is, of an examination of the (pragmatic) conditions of possibility of achieving rational consensus through argumentation.[23]

McCarthy explores several problems in Habermas' theory of truth, including the apparent confounding of conditions of truth with conditions of rational justification of truth claims, as well as the "meaning" of truth. He concludes, however, with a possible interpretation of Habermas' theory that remains consistent with his total program, but obivates the difficulties of a strong consensus theory:

> The formulation that he most frequently employs is that rational consensus is the ultimate criterion of truth, that is, that the settlement of truth claims depends on argumentative reasoning (and not on experiences of certainty or correspondence with a linguistically naked reality). One might grant that truth claims have to be justified discursively without granting that discursive justification is what is meant in claiming a statement to

be true. And this seems to be sufficient for Habermas' point: that truth claims inherently point to the possibility of rational consensus.[24]

The mere achievement of a consensus in discourse is no guarantee that the agreement reached deserve the title "rational consensus," for such an evaluation must be warranted by appropriate procedures of discourse. Thus, Habermas writes:

> The consensus theory of truth purports to explain the peculiar non-coercive compulsion of the better argument in terms of the formal properties of discourse and not in terms of something that either lies at the foundation of the context of argumentation, such as the logical consistency of sentences, or as it were, enters into the argumentation from outside, such as empirical evidence. Where a discourse ends can be decided neither by logical nor by empirical coercion alone, but by the "force of the better argument." This force we call rational motivation.[25]

Habermas builds on Toulnin's analysis of substantive arguments to explain how and why discourse must permit progressive radicalization in levels of analysis. There must be a guarantee of opportunity to scrutinize not only evidence, warrant and lacking for a claim, but also the language system and cognitive schemes in which the argument is constituted. At the most radical level of critique, it must be possible to question what shall count as knowledge:

> The formal properties of discourse must therefore be such that the level of discourse can be altered at any time, and such that an initially chosen linguisitc and conceptual system can if necessary be recognized as inappropriate and revised: progress in knowledge is accomplished in the form of a substantial critique of language.[26]

Habermas reviews the steps in progressive radicalization of argument criticism and concludes:

> A consensus achieved through argument is an adequate criterion for the resolution of discursive validity claims if and only if freedom of movement between the levels of discourse is assured by the formal properties of discourse.[27]

The Ideal Speech Situation

The formal properties that guarantee the openness and freedom of discourse constitute the ideal speech situation. The following is a synopsis of Habermas' design largely paraphased from his essay "Theories of Truth."[28] An ideal speech situation is one in which communication is impeded neither by exteral constraints nor by the structure of the discourse itself. This requires a symmetrical distribution of opportunities for all participants to choose and carry out speech acts of all kinds. Thus, the following special requirements:

1. All potential participants must have equal opportunity to use communicative speech acts in order to initiate and perpetuate discourse.
2. All participants must have equal opportunity to put forth assertions and justifications and to question, confirm, and refute claims so that no preliminary claim goes untested.
3. Only those speakers are permitted in a discourse who have equal opportunity to express their attitudes, feelings and intentions candidly.
4. Only those speakers are admitted who have equal opportunity to employ regulative speech acts (e.g. commands, permissions).

It can never be determined unambiguously whether a consensus actually achieved was reached under the conditions of ideal speech, and thus may be called a rational consensus. Nevertheless, the ideal speech situation is an operationally effective fiction in the process of communication. It is an unavoidable reciprocal imputation in discourse. Thus, we may speak of an anticipation or prefiguration of an ideal speech situation. It is a critical standard against which we can measure an achieved consensus to inquire whether the discourse properties are sufficient to indicate a warranted consensus.

II

I turn now to some critical responses to Habermas' theory of the conditions of rational discourse. The problem areas I will address are three: (1) problems in the scope of the theory, (2) questions concerning the necessity and sufficiency of the conditions of ideal speech for producing or validating a rational consensus, and (3) what may be called problems of motivation.

The Scope of the Theory

Habermas has explicitly limited his analysis to "communicative action," by which he means communication "oriented to reaching understanding." He excludes strategic action ("oriented to the actor's success") and symbolic action ("modes . . . bound to nonpropositional systems of symbolic expression").[29] This limitation has drawn charges that he thereby ignores large and important realms of human interaction. James Aune, for example, claims that Habermas "neglects the whole tradition of contemporary philosophy of language which indicates that . . . poetic and metaphorical processes are humanity's chief means of generating new meanings and new ways of looking at the world."[30] Acknowledging the "intended telos" of discursive communication, James Schmidt nevertheless remarks that "it is not clear that anything within the various other language games of ordinary language can be said to impel speakers to enter discourse."[31] Certainly, Habermas has chosen not to analyze a large range of communicative behaviors, but is this a serious flaw in his theory? Two considerations suggest that it is not.

First, however, limited the scope of his theory, it is nonetheless focused on communicative activity of the greatest importance, indeed the forms of communication in which most disciplined inquiry proceeds. The limitation is of no more consequence than it would be to claim that Ehninger's conception of "argument as method,"[32] or Brochriede's characterization of "arguers as lovers,"[33] come into play only when persons genuinely strive for mutual understanding. Such argumentative situations demand careful, theoretical analysis.

Second, other "language game"--strategic, symbolic, creative or whatever are not necessarily insulated from rational discourse. It is not uncommon for strategic actions to be transformed into communicative action when participants are induced to enter a cooperative form of debate or discussion. Even artistic modes of communication may, in some circumstances, be transformed into speech acts the validity claims of which may be brought into discourse. The "dancing of attitudes" in song and story, on the screen, or in the street are unquestionably important modes of human interaction, and perhaps much social knowledge is thereby created. When such knowledge is to be tested, however, it must be explicated in speech acts that thematize the otherwise suspended claims to validity of truth or norms. A part of the current discussion over rhetoric as epistemic addresses that problem. In short, Habermas limits his analysis of the constitutive conditions of rational discourse to just those forms of communication that can be brought to work in those conditions. The questions raised about its scope do no damage to his theory.

Necessary and Sufficient Conditions

The second set of problems clusters around the question whether the ideal speech situation constitutes necessary and sufficient conditions for rational discussion. Berleson and Kline raise one issue when they suggest that the formal conditions of the ideal speech situation would have to be supplemented by substantive criteria drawn from the appropriate argument fields to insure adequate criticism of support for claims.[34] Inasmuch as such "external" criteria would have to be imported through the agency of competent actors, their question may be subsumed under a broader one raised by McCarthy. Commenting on the symmetry requirement, he writes, "at first glance one would want to argue that empirical conditions are also required--for example, conditions referring to the intelligence, competence, psychological normality, etc. of the participants."[35] He goes on to observe that Habermas believes these conditions to be satisfied by the *formal* requirement of a symmetry of chances to employ speech acts *of all* types. But that, McCarthy argues, "clearly involves the dimension proper to empirical pragmatics [as opposed to formal, universal pragmatics], that is the empirical conditions which vary from speech situation to speech situation."[36] A similar point is made by David Held:

> The conditions of the ideal speech situation fail to cover a range of phenomena, from the nature [content] of cultural traditions to the distribution of material resources, which are obviously important determinants of the possibility of discourse.[37]

These are significant points of criticism, and one is not at all sure how Habermas would answer them. Perhaps he would merely want to put aside the empirical problems and insist that he is concerned with a purely formal-theoretical analysis of the conditions constitutive of discourse. The theoretical analysis of ideal speech cannot guarantee the achievement of a rational consensus, but it can provide the criteria against which any actually achieved consensus can be checked. The theory must be understood (first and primarily) as a critical apparatus for *post facto* evaluation, rather than as a prescription for practice. Granted, rules of practice may be derived from the theory in application to specific arenas of discourse, but they will be necessarily incomplete: not every empirical condition can be foreseen and planned for we have a somewhat analagous situation in our field's approach to the logical criticism of argument. We can lay down in an abstract, theoretical way some conditions necessary for a sound argument, but that will not lead an arguer unerringly to the production of sound arguments. We still have to criticize the arguments after the fact to see if they do, after all, come up to the posited standards.

The upshot of all this appears to be that Habermas' theory of ideal speech remains fully meaningful and defensible only on the theoretical level. He has established no necessary connection between theory and practice. The hoped for connection remains a "practical hypothesis" to be pursued in a context of education and evolving enlightenment. Habermas has addressed this topic with candid acknowledgement of the problems, and I will refer to his response in the next section.

Problems of Motivation

This section continues the discussion of criticisms concerning the necessary and sufficient *conditions for bringing* about discourse and concerning the gulf between theory and practice. The difficulties in Habermas' theory treated here, however, seem to cluster around the problems of motivation: what does the theory of ideal speech offer by way of a guarantee that people will engage in discourse?

Cushman and Dietrich raise the issue when they write that "an insufficient rationale is provided for guaranteeing the invocation of critical-dialectical processes before an antagonistic audience in time of need."[38] Other critics have raised the same question about the motivation that might be assumed or imputed to impel persons to enter into rational discourse. Now, Habermas has claimed that the supposition of mutual accountability and the anticipation of an ideal speech situation are operative in all communicative action. At this point, one might be tempted to follow the dictates of common sense and develop a description of the motivations that lead us in everyday life to engage in more or less rational discourses with those who share our communities. Thus, an "epistemic motive" might be described as arising from our doubts about our personal interpretations of reality that lead us to "check them out" by seeking confirmation or disconfirmation from others. A motive to cooperative action might be featured as the grounding of discussion in which we try to reconcile different values as norms and goals. Thus speaks common sense.

But common sense is the sense that tells us that the earth is flat, and we must be skeptical of it. We cannot rescure Habermas' theory by finding confirmation of it in our mundane, and relatively non-problematic experiences. Common sense points to examples that have one common feature: the participants in the discussions already share a frame of reference; they are already linked by common goals that require cooperation. But Habermas' theory is meant to apply to situations of crisis, to systems of domination, to broad political scenes in which there may be fundamental oppositions of interest. It is not at all clear how the supposed motivations to rational discourse apply to deeply rooted ideological disputes, or as Giddeus remarks, "to circumstances in which struggles, or exploitative domination, is oriented to the distribution of scarce resources."[39]

Richard Bernstein addresses the problem by first supposing that Habermas is right in his claim "that all potential or actual speech presupposes and anticipates ideal speech." By a series of entailments, he argues, it follows that "it is just as true for the individual who consciously seeks to deceive, as for groups guilty of self-deception or systematically distorted communication."[40] This leads Bernstein to state the problem succinctly:

> But then it must be asked whether such a theory sheds any light on what leads human beings to overcome forms of distorted communication and work toward the conditions

> required for ideal speech. What seems to be lacking here is any illumination on the problem of human agency and motivation. In a new form we have the old problem that has farced every critical theorist: under what conditions will agents who have a clear understanding of their historical situation be motivated to overcome distorted communication and strive toward on ideal form of community life?

Thus, Habermas is led back to the gap between theory and practice. The realization of ideal speech or fully rational discourse in any critical situation depends upon factors not fully or clearly accounted for in his theory: actual freedom and equality, fully competent human agents, and properly motivated participants.

It is to Habermas credit that he has frankly acknowledged the weight of much criticism of his work. He has constantly sought to resolve difficulties by further research and analysis, and where he cannot provide answers at least tries to clarify problems. On the largest issues noted here, he has attempted to explain the mediation of theory and practice by differentiating three functions or activities: (1) the formation and extension of critical theories (e.g. universal pragmatics), (2) the organzation of processes of enlightenment through reflection, and (3) strategic planning for political-social change.[42] The three are distinct activities with different criteria to guide them to different goals: "on the first level, the aim in true statements, on the second, authentic insights, and on the third, prudent decisions."[43] Theory can contribute to processes of enlightenment, but cannot directly affect strategic practice:

> Decisions for the political struggle cannot at the outset be justified theoretically and then be carried out organizationally. The sole possible justification at this level is consensus, aimed at in practical discourse, among the participants, who, in the consciousness of their common interests and their knowledge of the circumstances . . . are the only ones who can know what risks they are willing to undergo.[44]

It is noteworthy that, for all the power Habermas would like to claim for his theoretical analysis, the power to authorize political action is reserved to persons making free and enlightened choices. Habermas seeks no theoretical dominations, only theoretical understanding that may contribute to enlightenment. He hopes that prudent political decisions will follow, but offers no guarantee. Habermas researches remain incomplete, and there are substantial problems in the grand design so far developed. I have merely sketched a few of them here.

Habermas' work is important for scholars in speech communication, but we should read it with an awareness of its shortcomings as well as its promise. Promise it clearly has in addressing central concerns of humane scholarship. As Richard Bernstein has written:

> But we do know--or ought to know--that if we fail to attempt the project of critique--if we do not seek a depth understanding of existing forms of social and political reality; if we are unwilling to engage in the type of argumentation required for evaluating the conflict of interpretations; if we do not strive to realize the conditions required for practical discourse--then we will surely become less than fully human.[45]

FOOTNOTES

[1] Illustrative examples of communication studies based on Habermas make-up the special issue of The Journal of the American Foreusic Association, 16 (Fall, 1979).

[2] Useful introductions to Habermas include: Richard J. Bernstein, The Restructuring of Social and Political Theory (University Park: U. of Pennsylvania Press, 1978); David Held, Introduction to Critical Theory (Berkeley: U. of California Press, 1980); Thomas McCarthy, The Critical Theory of Jurgen Habermas (Cambridge, Mass.: The MIT Press, 1978).

[3] My synopsis is extremely truncated. For an excellent full discussion of the topic see: Grant R. Burleson and Susan L. Kline, "Habermas" Theory of Communication: A Critical Explication," Quarterly Journal of Speech, 65 (December, 1979), pp. 412-428.

[4] Jurgen Habermas, Knowledge and Human Interests, trans, Jeremy J. Shapiro (Boston: Beacon Press, 1971), p. 55.

[5] Ibid., p. 314.

[6] Burleson and Kline, p. 414.

[7] Jurgen Habermas, "What is Universal Pragmatic?" in Communication and the Evaluation of Society, trans. Thomas McCarthy (Boston: Beacon Press, 1979), p. 1.

[8] Ibid.

[9] Ibid.

[10] Thomas McCarthy, "A Theory of Communicative Competence," Philosophy of the Social Sciences, 3 (1973), pp. 136-137.

[11] Jurgen Habermas, "Towards a Theory of Communicative Competence," Inquiry, 13 (1970), pp. 369-371.

[12] McCarthy, "Theory of Communicative Competence," p. 138.

[13] "What is Universal Pragmatics?" pp. 2-3.

[14] McCarthy, Critical Theory, p. 290.

[15] Jurgen Habermas, Theory and Practice, trans, John Viertel (Boston: Beacon Press, 1973), p. 18.

[16] For a full discussion, see McCarthy, Critical Theory, pp. 291-333.

[17] Jurgen Habermas, Toward a Rational Society, trans. Jeremy J. Shapiro (Boston: Beacon Press, 1970), p. 7.

[18] Burleson and Kline, p. 418.

[19] Theory and Practice, p. 19.

[20] The key text is Jurgen Habermas, "Wahsheitstheproemy" in Wirklichkeit and Reflextion: Festschrift fur Walter Schulz (Pfullingen, 1973). In addition to portions translated by McCarthy and other commentators, I rely on an unpublished draft translation by Richard Graban. References are to that text.

[21] Ibid, pp. 6-7.

[22] McCarthy, Critical Theory, p. 300.

[23] Ibid., p. 303.

[24] Ibid., p. 304.

[25] Wahrheitstheorien, p. 22.

[26] Ibid., p. 29.

[27] Ibid., p. 33.

[28] Ibid., pp. 33-35.

[29] "What is Universal Pragmatics?" pp. 34-41.

[30] James Aune, "The Contribution of Habermas to Rhetorical Validity," Journal of the American Forensic Association, 16 (Fall, 1979), p. 109.

[31] James Schmidt, "Offensive Critical Theory? Reply to Honneth," Telos, 39 (Spring, 1979), p. 69.

[32] Douglas Ehninger, "Argument as Method," Speech Monographs, 37 (June, 1970), pp. 101-110.

[33] Wayne E. Brochriede, "Arguers as Lovers," Philosophy and Rhetoric, 5 (Winter, 1972), pp. 1-11.

[34] Burleson and Kline, pp. 425-426.

[35] McCarthy, "Theory of Communicative Competence," p. 150.

[36] Ibid., p. 151.

[37] David Held, *Introduction to Critical Theory* (Berkeley: U. of California Press, 1980), p. 396.

[38] Donald P. Cushman and David Dietrich, "A Critical Reconstruction of Jurgen Habermas' Holistic Approach to Rhetoric as Social Philosophy," *Journal of the American Forensic Association*, 16 (Fall, 1979), p. 133.

[39] Anthony Giddens, *New Rules of Sociological Method* (New York: Basic Books, 1976), p. 69.

[40] Bernstein, p. 323.

[41] Ibid., pp. 223-224.

[42] *Theory and Practice*, p. 32 ff.

[43] Ibid.

[44] Ibid., p. 33.

[45] Bernstein, p. 236.

THE SENSES OF ARGUMENT REVISITED:
PROLEGOMENA TO FUTURE CHARACTERIZATIONS OF ARGUMENT[1]

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In 1977 Daniel J. O'Keefe published a short, but provocative essay entitled "Two Concepts of Argument."[2] In this essay, O'Keefe maintains that the term "argument" can refer to two qualitatively distinct entities:

> In everyday talk the word "argument" is systematically used to refer to two different phenomena. On the one hand, it refers to a kind of utterance or a sort of communicative act. This sense of the term I will call "argument$_1$." It is the sense contained in sentences such as "he made an argument." On the other hand, "argument" sometimes refers to a particular kind of interaction. This sense, "argument$_2$," appears in sentences such as "they had an argument." Crudely put, an argument$_1$ is something one person makes (or gives or presents or utters), while an argument$_2$ is something two or more persons have (or engage in).[3]

O'Keefe introduced the distinction between argument$_1$ and argument$_2$ in the context of critiquing a general characterization of argument offered by Wayne Brockriede.[4] O'Keefe suggested that Brockriede's effort to provide a holistic analysis of argument through the identification of six "generic characteristics" was not successful since this effort ignored the quite distinct phenomena indexed by the term "argument."

Since the publication of O'Keefe's essay, a number of writers representing several theoretical and methodological perspectives have offered more detailed characterizations of both argument$_1$ and argument$_2$. The range of these argument characterizations clearly reflects the current diversity in argumentation scholarship; there are "cognitive" characterizations,[5] "constructivist/interactionist" characterizations,[6] "social constructivist" characterizations,[7] "conversational analytic" characterizations,[8] "ordinary language" characterizations,[9] "fuzzy concept" characterizations,[10] "generic feature" characterizations,[11] "pragmatic" characterizations,[12] and "eclectic" characterizations,[13] as well as several characterizations that defy neat classification.[14] Indeed, in the last five years theoretical characterizations of argument have become so numerous and have occupied so much journal space that several writers have recently expressed concern that substantive studies of argument may be suffering at the hands of more speculative theoretical studies.[15] This is certainly a legitimate concern, and reflects, perhaps, deeper concerns about what kind of benefits can be gained from formal characterizations of argumentative phenomena.

I think it reasonable to assume that all theorists presuppose their characterizations of argument will aid argumentation research and criticism.

In the first section of this paper I note some of the specific benefits the offering of formal characterizations appears to presuppose. My primary focus, however, is on certain other presuppositional matters involved in the process of constructing argument characterizations. That is, beyond presupposing that an argument characterization will, in some way, aid research and criticism, constructing a formal characterization inevitably presupposes a substance to be characterized, a method for generating the characterization, and an audience for whom the characterization is intended. Unfortunately, in most existing argument characterizations these presuppositional matters and orientations to them are not metioned and remain quite implicit.[16] This is unfortunate since orientations to these presuppositional issues profoundly influence the substantive nature of argument characterizations.

This paper is directed at enhancing the theoretical utility of argument characterizations by explicating the presuppositional issues involved in constructing such characterizations and by indicating some fruitful orientations to these issues. Following a brief discussion of benefits accruing from formal characterizations of argument, the paper poses three specific questions regarding the process of constructing argument characterizations: (1) What is it we seek to characterize? (2) For whom do we develop argument characterizations? (3) How should we proceed in identifying and characterizing argumentative phenomena? Each of these questions is explored with the intention of illustrating how theorists' orientations to each question affect the substantive nature of their argument characterizations. Moreover, because all potential answers to these questions are not equally likely to result in theoretically productive argument characterizations, critical comments are offered with respect to several existing characterizations. In sum, this paper contends not only that future characterizations of argumentative phenomena will benefit by explicitly considering these questions, but also that the most theoretically useful characterizations of argument will answer these questions in certain ways.

What is Gained from Formal Characterizations of Argument?

I see four significant benefits generated from detailed characterizations of argument. First, as Daniel O'Keefe notes, the concepts "argument" and "arguing" constitute "the fundamental conceptual equipment of students of argumentation."[17] As such, clarifications and analyses of these concepts should have intrinsic value for argumentation scholars. Analyses of these concepts--of their functions, their meanings, their nuances, and their uses--should provide theorists of argument with a sharper, richer, and deeper grasp of that which they profess to study.

Second, characterizations of argument can lead to more focused studies of argumentative phenomena and, consequently, to the solution of certain substantive problems. Clarified understandings of argument can aid researchers and critics in resolving conceptual problems such as whether some entity is usefully and meaningfully treated as argument, how some symbolic behavior functions as argument, and how different sorts of argumentative phenomena are structurally and functionally related. Characterizations of argument have also proved useful in treating more substantive issues. For example, Willard's characterization of argumentative interactions as a kind of social comparison process has enabled him to describe the epistemic functions of everyday arguments among ordinary actors.[18] Burleson utilized O'Keefe's distinction between argument$_1$ and argument$_2$ to demonstrate the relationship between Toulmin's field-dependent, macro-institutional analysis of rationality and Habermas' field-independent, micro-interactional analysis of rationality.[19] O'Keefe's distinction has also been fruitfully employed by Jackson and Jacobs in their analysis of how arguments (of both sorts) get collaboratively produced in conversational interaction.[20] Thus, detailed characterizations of argument both can aid in solving certain conceptual problems and can lead to more focused and productive research.

Third, characterizations of argument can aid in clarifying the nature, scope, and application of various procedures and techniques used in studying argumentative phenomena. For example, Willard has encouraged researchers and critics to eschew the use of Toulmin's data-warrant-claim model of argument since this structural model does not capture the rich, processural character of persons engaged in argumentative interactions, and has further argued for the utilization of observational and interview techniques since these tools better allow the researcher to determine the meaning of an interaction for participants.[21] However, Burleson has suggested that Willard's indictment of the Toulmin model and similar descriptive systems is premised on a confusion between argument$_1$ and argument$_2$: Toulmin's model is only applicable to argument$_1$, and any shortcomings it has with respect to argument$_2$ are irrelevant.[22] Similarly, Burleson has argued that Willard's observational and interview techniqes might be fruifully employed in researching argument$_2$, but have little utility in analyses of argument$_1$.[23] Thus, the understanding of argumentative phenomena produced by O'Keefe's analysis of argument$_1$ and argument$_2$ enabled Burleson to describe more adequately the appropriate applications of several analytic techniques.

Fourth, formal characterizations of argument have the potential to eliminate some of the disputes and confusions present in the argumentation literature. For example, Wenzel has recently characterized three distinct perspectives from which argumentative phenomena are frequently studied: the rhetorical perspective, the dialectical perspective, and the logical perspective.[24] Wenzel shows that when the nature and concerns of each distinct perspective are appreciated, several controversial issues in the argumentation literature are reduced to the status of pseudo-problems. In particular, Wenzel notes that appreciation of these distinct perspectives can resolve controversies surrounding such age-old questions as the relevance of logic to rhetoric and the notion of "rhetorical validity."[25] Somewhat similarly, McKerrow suggests that the debate between Willard and Kneupper on the priority of the "process" or "product" view of argument is another instance of theorists being concerned with a pseudo-problem; McKerrow argues that the utility of the "process" and "product" views, and even the meaning of these terms, vary as a function of the particular argument community being investigated.[26] Thus, characterizations both of argumentstive phenomena and the perspectives from which these phenomena are studied have the potential to elimate needless and unproductive controversies among theorists.

To summarize, I have suggested that formal characterizations of argument are beneficial in four respects. These characterizations possess certain intrinsic value for argumentation scholars, can aid in the solution of conceptual and substantive problems, may help in clarifying the nature and application of analytic methods, and have the potential to dissove certain disputes.

What Is It We Seek to Characterize?

Many argument characterizations have employed such rubrics as "the senses of argument," "concepts of argument," and "senses of the term 'argument.'" Unfortunately, these rubrics are ambiguous, and therefore potentially misleading: in discussing the "senses of argument," one can be referring either to a *word* or to certain *empirical phenomena* indexed by a specific word. Thus, in seeking to characterize "the senses of argument," one can describe the various meanings and nuances of words, or one can describe the empirical properties associated with a set of phenomena. In the former case, one is engaged in a kind of *linguistic analysis*, and addresses issues such as "how is this word routinely used within some community of speakers." In the latter case, one is engaged in a process of *empirical analysis*, and addresses issues such as "what are the major observable properties of this phenomenon." It is important to note that these two kinds of analysis are quite distinct: they are concerned with different objects, they pose different issues and questions, and they tend to employ different methods of inquiry.

I take pains to emphasize the distinction between characterizations of linguistic usage and characterizations of empirical phenomena because although most of the literature on the "senses of argument" has been chiefly concerned with properties of empirical phenomena, certain confusions have emerged. For example, Willard has frequently claimed that argument$_2$ is the "prior" or "most fundamental" sense of the term "argument."[27] This claim seems to reflect a confusion of linguistic and empirical characterizations. Apparently, Willard has read O'Keefe as saying that there are two different ways of defining the term "argument"; hence, Willard is led to assert that one definition of the term, that associated with argument$_2$, is the more fundamental or central definition. However, if it is accepted that O'Keefe's "argument$_1$" and "argument$_2$" are not simply two related definitions of a single term, but rather are names for two distinct orders of things, then it is difficult to place a coherent interpretation on Willard's claim. That is, "argument$_1$" and "argument$_2$" are *labels* referring to qualitatively different phenomena; thus it makes little sense to say that one of these is prior to another since, as distinct entities, each requires separate treatment. Others also appear confused about the nature of O'Keefe's distinction; for example, some writers appear to imply that argument$_1$ and argument$_2$ simply represent different ways of looking at the same phenomenon.[28] This view also misses the basic thrust of O'Keefe's characterization.

A somewhat similar confusion may be present in the argument characterization offered by Barbara O'Keefe and Pamela Benoit. In the context of discussing children's argumentative exchanges, these writers observe that "'argument,' in ordinary usage, is an intrinsically fuzzy concept which can be appropriately applied to a wide range of activities," and further urge viewing "this fuzziness as a fact to be accepted and explained."[29] In this passage, B. O'Keefe and Benoit appear to be describing certain properties associated with the use of a particular word, and as a kind of lingusitic analysis, their discussion is unexceptionable. However, these writers go on to argue that empirical analyses of argument (specifically, of argument$_2$) should accomodate to the fuzziness associated with the use of the term, and it is here that potential confusions set in. In ordinary usage, the term "argument" *is* rather fuzzy (i.e., is used to refer to a wide array of things), but this is a linguistic fact--a fact about how the word is employed within a community of speakers. As a linguistic fact, fuzziness in the use of the word "argument" does not necessarily say anything about the empirical properties associated with certain argumentative phenomena. Thus, in suggesting that theorists accomodate their characterizations of argumentative phenomena to the fuzziness associated with the use of a term, B. O'Keefe and Benoit appear to be confusing properties of word usage with properties of empirical entities.

Because properties of term usage do not necessarily say anything about properties of empirical entities (and vice versa), theorists must be clear and specific about that which they seek to characterize. Moreover, because argumentation scholars, unlike linguists and philologists, generally are not chiefly concerned with properties of words, most argument characterizations appropriately have as their purpose the disclosure of significant properties associated with argumentative phenomena. Nothing said here should be interpreted as implying that analyses of term uses have no place in constructing characterizations of argumentative phenomena; for example, D. O'Keefe noted that distinctions pointed to by ordinary uses of the term "argument" were instrumental in developing his characterizations of argument$_1$ and argument$_2$. But while certain aspects of ordinary usage may prove helpful in producing characterizations of argumentative phenomena, care must be taken not to confuse features of word usage for features of the things to which words refer.

For Whom Do We Develop Characterizations of Argument?

Even in their most optimistic moments few argumentation theorists believe their prose on the nature of argument will be seriously attended to by anyone other than more argumentation theorists (and a few hapless students). Thus, the answer to the question heading this section is quite obvious: technical characterizations of argument are primarily formulated for consumption by other argumentation theorists, researchers, and critics.

Although the answer to this question is obvious, it is not without significant implications. For if technical characterizations of argument are intended for other argumentation theorists, they should be formulated so as to be responsive to the needs, interests, and concerns of argumentation theorists rather than the needs, interests, and concerns of some other group. As in other rhetorical enterprises, failure to keep the needs, interests, and concerns of one's primary audience in mind can produce problems when formulating argument characterizations.

Such problems can be found in Daniel O'Keefe's most recent analysis of argument. In this analysis, O'Keefe employs what he terms a "paradigm case" method to explicate concepts of argument and arguing. As he notes, the paradigm case method is primarily intended to clarify the meaning of a concept:

> By "paradigm cases of a concept," I mean to point to those sorts of examples (cases) which would elicit widespread agreement that these are in fact examples of the concept in question. By focusing on such cases and by asking ourselves what such cases have in common, we may be able to clarify the concept under discussion. . . . The point of analyzing the common features of paradigm cases of (say) persuasion is not to arrive at a list of necessary and sufficient conditions for something's

> being "properly" termed persuasion. The point, instead, is simply to get a better understanding of the concept by examination of the kinds of circumstances in which application of the concept would be largely straightforward and unobjectionable.[30]

Central to the operation of the paradigm case method are our intuitions about and everyday understandings of the conept in question. O'Keefe elaborates:

> This paradigm-case way of proceeding exploits--and rests upon--our common everyday understanding of terms. In a sense, the relevant questions are of the form "Would we ordinarily be inclined to call this a case of X (argument$_1$, argument$_2$)?" And as nothing more than a procedural clarification, it may be useful to put the question this way: "If one were explaining the concept of X to a non-native speaker of English, would one offer this example as an aid to understanding?" This latter question, I think, can help one to focus on clear, straightforward examples of the concept in question--just the sorts of examples I am after here.[31]

Several points in this latter passage merit comment. First, it is worth noting that questions of the form, "Would we ordinarily be inclined to call this a case of X," are not meaningfully asked--nor answered--in the abstract. Rather, such questions are always asked by some particular person with some specific purpose in mind. Concomitantly, answers to such questions are always addressed to a particular person in the effort to satisfy some specific end. In short, questions are always asked and answered in some context, with two of the more important features of any context being (a) the characteristics of the interactants and (b) the currently relevant purposes and interests of the interactants. O'Keefe implicitly recognizes these facts when he introduces the "procedural clarification" of explaining "the concept of X to a non-native speaker of English for the purpose of aiding that speaker's understanding of how the concept is ordinarily and routinely employed. But given that questions are always answered with respect to some context--a context that determines the appropriateness of an answer and thereby powerfully constrains the form and substance of the answer--is O'Keefe's invocation of the non-native speaker context really "nothing more than a procedural clarification?" Unless the interests of a non-native speaker desiring to learn how the concept "argument" is ordinarily employed are presumed to be isomorphic with the interests of argumentation theorists desiring to clarify a central concept in order to improve research and criticism (an assumption I find dubious), then O'Keefe's invocation of the non-native speaker context represents more than a simple procedural clarification.

It is my contention that O'Keefe's procedural clarification actually constitutes an implicit substantive standard that determines what counts as acceptable paradigm cases of argument; indeed, in his effort to clarify concepts of arguing and argument, O'Keefe invokes the non-native speaker context as an arbitrating principle no fewer than eight times. For O'Keefe, then, what counts as acceptable paradigm cases of argument is determined by whether or not a given case would readily aid a non-native speaker in better understanding how the concept of "argument" is routinely employed by naive social actors. Presumably, an effort to clarify the concept "argument" for argumentation theorists wishing to enhance the quality of research and criticism would result in a different implicit substantive standard being invoked, a standard delimiting at least a somewhat different array of acceptable paradigm cases.

The more general point here is that just as questions are answered with respect to some context, paradigm cases of a concept are offered with respect to some context. Moreover, just as context establishes implicit standards delimiting a range of appropriate answers to a question, so context establishes implicit standards delimiting a range of acceptable paradigm cases of a concept. As context changes, so do the implict standards delimiting acceptable paradigm cases of a concept. Consequently, the choice of a context with respect to which a concept is clarified does not represent an arbitrary or simple procedural decision. Thus, if clarifications of a concept and characterizations of a phenomenon are formulated for consumption by some specific group, then those clarifications and characterizations should be formulated in a manner sensitive to the context defined by the target group's interests: clarifications of the concept "argument" intended for consumption by argumentation theorists should focus on the interests of argumentation theorists, and not the interests of hypothetical non-native speakers.

Several objections to the preceding analysis can be raised. For example, it might be questioned whether the analysis has any real force; that is, would different paradigm cases of argument actually be offered to argumentation theorists as opposed to, say, non-native speakers? I believe the answer to this question is "yes": the different interests of argumentation theorists and non-native speakers would produce at least some significant variation in the cases proposed to exemplify the concept "argument." O'Keefe, who paradigmatically characterizes argument$_2$ as "simply interactions in which extended overt disagreement between interactants occurs,"[32] suggests that:

> One can overhear a conversation being conducted in a foreign tongue and have no difficulty concluding that the interactants are having an argument$_2$--even though one cannot understand the words and hence is not in any position to say whether arguments$_1$ were being made. Or one can see a couple in a restaurant obviously having an argument$_2$ yet not be able to hear what they are saying to each other.[33]

Although O'Keefe could well be correct in claiming that one might point to such cases to exemplify the ordinary uses of the concept "argument" to non-native speakers, I seriously doubt that argumentation theorists would employ such examples in an effort to construct a conceptually clear basis for research and criticism. On the other hand, given his or her interests, an argumentation theorist might point to the recent exchanges between Willard and Burleson and Willard and Kneupper as paradigm cases of argument$_2$, but these examples might only be confusing when trying to explain the concept to a non-native speaker. Thus, different sorts of paradigm cases are used to clarify a concept in different contexts. Because formal characterizations of a phenomenon are constructed either implicitly or explicitly from a consideration of "relevant" paradigm cases, one would expect a characterization of, say, argument$_2$ that is based on cases selected for use with non-native speakers to be different from a characterization based on cases selected for use with argumentation theorists.

A second objection might suggest that one sort of context is more fundamental than others, and therefore paradigm cases applicable to the more fundamental context take precedence over paradigm cases in less fundamental contexts. In particular, it might be argued that the mundane lifeworld of ordinary concept usage is logically prior to the reflective worlds of science, criticism, and philosophical analysis, and that concepts employed in these more reflective worlds are derivative from or parastic on concepts employed in the mundane, everyday world. This objection has some force: the technical concepts of argument employed by researchers and critics *are* to use Schutz's terminology, "second-order constructs" abstracted from more primitive "first-order constructs" employed by naive social actors in the mundane world.[34] This fact does not mean, however, that the first-order constructs of argument routinely employed by naive actors are more meaningful, "better," or more important than the technical second-order constructs developed and employed by argumentation theorists. It may be that the development of sound second-order constructs of argument can benefit from (or may even require) careful explications of the concepts as ordinarily used in the mundane world. But the second-order constructs developed by argumentation theorists are qualitatively distinct conceptual entities, serving different goals, interests, and functions than the first-order constructs employed by naive social actors; hence, these more technical constructs are not reducible to or replaceable by their more primitive counterparts. Thus, while O'Keefe's clarifications of the everyday senses of "argument" may be a (necessary?) preliminary to more detailed and focused theoretical explications of these concepts, they are not substitutable for these more theoretically-oriented explications.[35]

A related objection might contend that naive actors' ordinary concepts of argument are characteristically muddled and fuzzy, and because actors' interpretations of and behaviors toward events are guided by such muddled and fuzzy concepts, our theoretical conceptions of argument should reflect the muddled and fuzzy nature of these concepts in the mundane lifeworld.[36] This objection, however, once again confuses the purposes and needs of ordinary actors with the purposes and needs of argumentation theorists. Certainly characterizations of naive actors' concepts of argument should include the fact that these concepts are typically muddled and fuzzy. But appreciation of this fact in no way warrants argumentation theorists employing fuzzy concepts to represent the phenomena they are concerned with. If anything, the fuzziness of concepts in the everyday lifeworld makes clarity in theorists' concepts even more imperative.

It should be clear that the points expressed in this section do not constitute objections to the paradigm case method of concept explication, nor are they objections to the fact that the giving of paradigm cases of a concept necessarily presupposes some context that delimits a range of acceptable paradigm cases. Further, I do not object to the explication of naive actors' everyday understandings of argument; indeed, I have tried to emphasize that such explications may be valuable, and perhaps even necessary, sources of information for theorists engaged in the process of constructing technical characterizations of argumentative phenomena. My concern here has been to indicate that the needs and interests of argumentation theorists are not identical with those of naive social actors and, consequently, characterizations of argumentative phenomena based on how naive actors routinely employ the concept "argument" may not fully satisfy argumentation theorists' purposes. As I have suggested elsewhere,[37] the concepts of "argument" employed by scholars are highly refined and specialized notions in the service of argumentation theory, and it is not particularly relevant whether these refined conceptions exactly correspond with the more fluid and vague conceptions routinely employed by naive actors.

How Should We Proceed in Identifying and Characterizing Argumentative Phenomena?

This is one of the most difficult questions facing argumentation theorists, and it is one for which there is no consensually acceptable, much less easy, answer. Procedures for identifying and characterizing argumentative phenomena sometimes appear to be as diverse and numerous as the argumentation theorists writing on these matters. Nevertheless, it is possible to abstract from the current literature two general orientations to the process of identifying and characterizing argumentative phenomena. For expository convenience, I will rather arbitrarily term these orientations the "prescriptive" perspective and the "descriptive" perspective.[38]

A major way in which the prescriptive and descriptive perspectives differ is in their orientation to the ordinary, everyday understandings naive actors possess about the various senses of the term "argument." Both perspectives acknowledge that the ordinary understandings and uses of a concept constitute important primary data, but there is a significant difference between the two perspectives in their use of and accomodation to these data.

The prescriptive perspective treats ordinary usage data by taking the distinctions and characterizations implicit in ordinary usage, and making these explicit--refining, extending, clarifying, and qualifying these implicit distinctions and characterizations in accord with the priorities and concerns of a community of theorists. In this process, the facts of ordinary usage are accomodated to the needs and interests of theory; that is, the ambiguities and imprecisions--and thus much of the richness--inherent in ordinary usage are subordinated to the theoretically-motivated ends of exactitude, precision, rigor, and clarity. Thus, within the prescriptive perspective, one begins with ordinary usage and then moves beyond it, seeking to develop characterizations of phenomena that are suitably narrow and precise for theory construction. That the refined end-products of this process often bear only slight resembance to their progenitors is viewed, not as a weakness, but as a necessary and acceptable outcome of the systemization and clarification process.

The descriptive perspective treats ordinary usage data by identifying the ambiguities and imprecisions in everyday uses and understandings, explicating these ambiguities and imprecisions, and then constructing theories and concepts that subsume all the varied, routine uses and understandings. In this process, the needs and interests of theory are accomodated to the facts of ordinary usage; that is, the traditional theoretical interests in rigor and precision are subordinated to the end of providing representations that preserve all the ambiguity, vagueness, and richness typical of ordinary uses and understandings. Thus, within the descriptive perspective, one begins with ordinary usage and moves, not beyond it, but deeper into it, seeking to develop characterizations that accurately encompass the full range and breadth of ordinary usage in all its complexity, diversity, and richness. Because of the diversity and ambiguity inherent in ordinary usage, characterizations based on ordinary usage will necessarily be very general, broad, and inclusive—a feature proponents of the descriptive perspective view as appropriate and desirable.

In practice, the prescriptive and descriptive approaches seldom exist in pure form, with most concrete efforts to characterize argumentative phenomena employing some combination of the two approaches. Nonetheless, most efforts to characterize argument do tend to emphasize one perspective over the other; for example, the previously mentioned characterizations of argument offered by Daniel O'Keefe, Charles Willard, and Barbara O'Keefe and Pamela Benoit all tend to favor the descriptive perspective.

Now characterizations of argument issuing from the descriptive perspective are interesting and important in their own right; thus, it is a perfectly legitimate activity to construct such characterizations. However, because characterizations generated from the descriptive perspective focus on explicating argumentative phenomena as routinely and ordinarily understood by naive social actors, they tend to be insensitive to the concerns of theorists and researchers. Consequently, such characterizations do not generally constitute satisfactory bases for argumentation theory, research, and criticism. However, it appears that the inadequacies of descriptively-based argument characterizaitons have not been fully appreciated by some theorists, since these characterizations have been offered as bases for argumentation theory and research. In what follows I describe some of the inadequacies of descriptively-based argument characterizations for theory construction and research, illustrating these inadequacies by detailing certain problems in the argument characterizations presented by D. O'Keefe, Willard, and B. O'Keefe and Benoit.

In the argument characterization literature, there are two identifiable variants of the descriptive perspective. For expository convenience, I label these the "naive intuition" variant and the "reflective intuition" variant. Although there are differences in these two versions of the descriptive perspective, both appear to claim that characterizations of naive actors' ordinary understandings of argument can serve as an adequate basis for argumentation theory and research.

The naive intuition variant of the descriptive perspective is most clearly illustrated in Willard's conceptions of how argumentative phenomena should be identified and characterized. Willard asserts that "arguments$_1$ take form and content from arguers' perspectives . . . . Arguments$_1$ possess no characteristics or meanings in and of themselves--they are endowed by arguers."[39] Thus, Willard apparently believes that arguments, particularly arguments$_1$, have no stable set of features that permit analysts to say that some phenomenon is, more or less, an argument$_1$.[40] Willard confirms this interpretation by repeatedly claiming that communicative behavior can be legitimately viewed and analyzed as argument only if naive social actors actually use the term "argument" in describing their utterances and interactions.[41] Because the analyst must depend on the naive intuitions and spontaneous labelings of ordinary social actors to identify and characterize argumentative phenomena, Willard contends that arguments "can be researched only through observation and interview techniques."[42] In sum, Willard believes that the identification and characterization of argumentative phenomena must rest on the naive intuitions and spontaneous labelings of everyday actors: the domain of argumentative phenomena is defined by anything and everything naive actors happen to describe with the term "argument."

In considering Willard's views, it is first worth noting that a perfectly legitimate (and perhaps interesting) research question is whether a naive actor or group of actors spontaneously use the term "argument" in describing some event (e.g., an interactional episode, a speech act, a speech artifact). However, this is an entirely different question from whether ordinary actors' naive intuitions and spontaneous labelings constitute a sound conceptual basis for argumentation theory and research. If it is assumed that analysts must always see whether naive actors use the term "argument" in describing some event because arguments have no stable features, isn't the very possibility of constructing formal characterizations precluded? Or does this assumption mean that formal characterizations must be produced inductively and empirically by repeatedly asking naive actors if they would term certain events "arguments?" And if this latter route is followed, what does the analyst do when naive actors cannot decide about labeling something "an argument," or when two actors disagree about labeling some event "an argument?" I think consideration of these questions rather quickly demonstrates that the "naive intuitions" variant of the descriptive perspective cannot produce an adequate basis for argumentation theory. Indeed, it appears the naive intuitions view ignores the very reasons serious analysts eschew reliance on everyday intuitions and labelings, namely that such unrefined intuitions and labelings are too vague, imprecise, and inconsistent to serve as a satisfactory basis for theory development and research. One can only imagine the chaos in, for example, biology if biologists had to ask if some creaure was a "mammal." Just as the responsibility for developing formal characterizations of living organisms rests with biologists, so the responsibility of developing formal characterizations of argument rests with argumentation scholars. Although naive actors' intuitions about and spontaneous labelings of events may provide useful data to those producing such characterizations, the responsibility for developing useful theoretical concepts and identifying instances of relevant and interesting phenomena rests firmly with theorists, researchers, and critics.

Less problematic than the "naive intuition" variant, the "reflective intuition" version of the descriptive perspective generates argument characterizations, not by directly assessing the intuitions and labelings of naive actors, but by reflectively explicating these intuitions, introducing structure and consistency frequently absent from the immediate concrete judgments of everyday actors. Consequently, the reflective intuitions variant avoids many of the inconsistencies, operational difficulties, and logical absurdities inherent in the naive intuitions view. While the reflective intuitions view is thus capable of producing much more satisfactory argument characterizations than the naive intuitions view, it still employs ordinary uses and understandings as a basis for these characterizations. Because the reflective view continues to give priority to ordinary uses and understandings, it remains subject to several criticisms. In particular, the reliance on and respect for ordinary uses and understandings can lead to argument characterizations that (1) are unnecessarily complicated and confusing, and (2) are too broad and inclusive to be useful in argumentation research and criticism. The following paragraphs consider each of these problems in some detail.

First, excessive reliance on, respect for, and accomodation to ordinary usage may lead to unnecessarily complicated and potentially confusing analyses of argumentative phenomena. Daniel O'Keefe's analysis of the relationship between the act of "arguing that" and "argument$_1$" illustrates some of the unnecessay complications that can set in when the imprecisions of ordinary usage are given too much weight. O'Keefe distinguishes between the act one performs in saying something (e.g., promising that, requesting that, asserting that) and the artifact produced by and conveyed through the act (e.g., a promise, a request, an assertion). Hence, one might think that "arguing that" is the speech act that produces and conveys the artifact, "argument$_1$." But O'Keefe rejects this notion, and his reasons for this rejection are worth citing in detail:

> The sentence "John argued that they should see Citizen Kane" can be used to imply or suggest that John made arguments$_1$ to that effect. Notice that I do not claim that the sentence suggests or implies John made arguments$_1$, but only that the sentence can be used to so suggest or imply. My reason lies in my suspicions that (1) for many speakers of English there is (at least under some circumstances) not much difference between "argue that" and "suggest that,". . .save perhaps for the vehemence with which the suggestion is forwarded; and (2) for many speakers of English there is (at least under some circumstances) not much difference between "argue that," "believe that," and "claim that.". . .Thus the occurrence of the "arguing that" form of "arguing" is not an altogether reliable indicator of the presence of an argument$_1$. That is why I do not say that sentences of the form "S argued that P" suggest or imply that arguments$_1$ were made, but only that such sentences can be used to so suggest or imply.[43]

In short, O'Keefe believes there are so many ambiguities associated with the ordinary use of the "arguing that" locution that it cannot serve as an appropriate label for the speech act (or more precisely, the illocutionary act) that conveys an argument$_1$. Indeed, O'Keefe feels the "arguing that" locution is so unreliable and so potentially misleading that he suggests "the most perspicuous label for the speech act that conveys an argument$_1$ is 'making an argument.'"[44]

This response to the ambiguities surrounding the ordinary use of the "arguing that" locution strikes me as a case of allowing the ordinary usage "tail" to wag the theoretical "dog." It may well be that naive actors routinely employ the "arguing that" locution in a vague, imprecise way that is not distinct from such related locutions as "suggest that," "believe that," and "claim that." But is this fact relevant? Does it mean that theorists cannot distinguish among related types of speech acts? Must theorists accomodate themselves to the vagaries, inconsistencies, and imprecisions found in ordinary usage? And does O'Keefe's proposed solution really eliminate the problem? Is there sound reason for supposing that the "making an argument" locution is intrinsically less ambiguous in ordinary usage than the "arguing that" locution? I suggest the answer to all these quesions is "no."

The problem O'Keefe describes regarding the "arguing that" locution does not appear qualitatively different from that faced when analyzing other speech acts. For example, in his analysis of promising, John Searle notes that two necessary features of promises are (a) the predication of a future act by the speaker, and (b) the hearer's preferring the speaker's performance of the future act to his nonperformance of the act (and the speaker's belief that this is the case).[45] Clearly, however, not all uses of "promise" meet these conditions. Consider the following two sentences:

(1) I promise you that I took my medicine this morning.

(2) I promise you that you will be fined if the book is returned late.

By Searle's analysis, neither of these are promises; sentence (1) fails to predicate some future action on the part of the speaker, and sentence (2) commits the speaker to doing something *to*, and not *for*, the hearer. Searle explains the use of "promise" in such instances:

> I think we use [the promise locution] here because "I promise" and "I hereby promise" are among the strongest illocutionary force indicating devices for *commitment* provided by the English language. For that reason, we often use these expressions in the performance of speech acts which are not strictly speaking promises, but in which we wish to emphasize the degree of our commitment.[46]

Thus, sentence (1) is probably best described as an emphatic assurance, and sentence (2) as an emphatic threat. Significantly, the fact that assurances, guarantees, threats, and promises are related types of speech acts and the fact that naive actors routinely employ these terms in loose, technically imprecise ways do not lead Searle to abandon the "promised that" locution as a label for the speech act in which promises are conveyed; certainly Searle does not feel these facts of ordinary usage compel reliance on formulations such as "making a promise."

It appears, then, that O'Keefe's rejection of the "arguing that" locution introduces needless complications in his analysis of argument. Now it is an admittedly trivial matter whether the speech act that conveys an argument is labeled "arguing that" or "making an argument." However, what are *not* trivial matters are the *rationales* underlying the choice between these labels and the *implications* following from these rationales. To accept the "making an argument" label for the reasons offered by O'Keefe is to accept implicitly that the vagaries of ordinary use have priority over theoretical interests and concerns; it is to accept implicitly that the imprecisions of ordinary usage should be permitted to dictate how concepts and phenomena of great theoretical import are to be identified, labeled, analyzed, and characterized. Moreover, accepting the "making an argument" locution implicitly puts the whole enterprise of theoretical analysis in jeopardy, for if it is found that naive actors do not see much difference among "making and argument," "making an assertion," "making a claim," and "making a suggestion," then new labels, analyses, and characterizations will presumably have to be sought. In sum, accepting the "making an argument" locution is to accept implicitly that theoretical concepts are to be subordinate to and governed by ordinary usage--that the needs and interests of theory are to occupy a permanent backseat to ordinary usage.

A second, and even more severe problem with the reflective intuitions variant of the descriptive perspective is that argument characterizations based on ordinary usage and understandings may be too broad, general, and inclusive to serve as satisfactory foundations for research and criticism. As B. O'Keefe and Benoit indicate, the concept "argument," in its ordinary uses, "can be appropriately applied to a wide range of activities."[47] This breadth of application is captured in O'Keefe's characterization of argument_2: "the everyday sense of 'argument' (as argument_2) paradigmatically refers simply to those cases in which extended overt disagreement occurs between interactants."[48] While this characterization may well capture an ordinary, everyday sense of "argument," it also applies to and includes such phenomena as shouting matches, simple name-calling sessions, childish claim-counterclaim sequences (e.g., "I'm stronger than you." "No, I am." "I am." "I am." etc.), and verbal fights. Indeed, as B. O'Keefe and Benoit indicate, O'Keefe's ordinary-usage based characterization includes even physical fights;[49] thus, two children engaged in a hair-pulling session, or two men bashing at each other with boards, or even two armies waging battle seem to be included within the domain of argumentative phenomena by O'Keefe's characterization.[50]

B. O'Keefe and Benoit opt for an apparently even broader conception of argument based on their analysis of ordinary usage and understandings. For these writers, "having an argument" (argument_2) is characterized by a relationship of oppositon existing between participants, where opposition is understood as one party impeding the satisfaction of the wants of the other.[51] These writers further note that in argument, such opposition is overt and can manifest itself in a variety of ways, including "threats, insults, prohibitions, challenges, accusations, pointing, grabbing, taking, pushing, screaming, and so on."[52] This conception of argument appears so broad as to include not only physical fights, but also phenomena such as two linemen trying to block each other out in a football play, or the building of a hotel on "Park Place" in a game of Monopoly.[53] Given that B. O'Keefe and Benoit place no restrictions on the ways in which opposition is manifest, their characterization of argument may even include such non-human phenomena as two dogs fighting over a bone or two stallions battling for sexual rights to a mare.[54]

Before proceeding further, I should make clear certain criticisms I do not intend to imply. First, I am not claiming that naive actors do not use the concept "argument" in such broad and expansive ways. Indeed, they may well use the concept in an even more inclusive manner. Nor am I claiming that such broad, highly general uses of the concept by naive actors are "wrong"; any such judgment is probably meaningless given the facticity of ordinary usages. Consequently, I am not claiming that D. O'Keefe or B. O'Keefe and Benoit's characterizations of argument based on the ordinary uses and understandings of this concept are in any way "wrong" or "incorrect"; indeed, I believe both of these analyses succeed admirably in demonstrating what the ordinary uses and understandings of "argument" are, and in showing the range and breadth the concept has for naive actors.

Given, however, the breadth, generality, and inclusiveness of ordinary uses and understandings, two important questions must be asked: (1) Can characterizations of argument based on the ordinary uses and understandings of the concept serve as an adequate framework for argumentation theory, research, and criticism? (2) Should argumentation scholars be bound by the strictures of ordinary usage in the conduct of theoretical, empirical, and critical activities? These questions are obviously related, but they thematize rather different issues, and hence will be addressed separately.

First, I think it obvious that any characterization of, e.g., argument$_2$ that includes hair-pullings, board bashings, football plays, military battles, and dog fights within the domain of argumentative phenomena is *prima facie* too broad to be useful in theory development, research, and criticism.[55] Such a characterization not only includes many admittedly borderline cases of argument, it also includes a great number of phenomena that are not, in any theoretically meaningful or useful sense, argument *at all*. Similarly, characterizations of "argument-making" as the communication of a belief for consideration by others and of "argument$_1$" as a linguistically explicable belief[56] are equally overly inclusive for theoretical purposes. Now it might be countered that such over-inclusiveness is a problem peculiar to presently existing characterizations derived from ordinary usage. However, I contend the over-inclusiveness problem is inherent to the descriptive perspective: because "argument" in its ordinary uses *is* an intrinsically fuzzy concept, any formal characterization of argument based on ordinary usage will necessarily be so inclusive as to encompass a wide range of events that have little theoretical meaning as "arguments." Thus, formal characterizations of argument derived from analyses of ordinary usage cannot, in principle, serve as satisfactory conceptual bases for the conduct of research and criticism.[57]

Even if analyses of ordinary uses and understandings were capable of producing less inclusive argument characterizations, the question remains whether theorists *should* be bound by the strictures of ordinary usage in the conduct of their scholarly activities. The answer to this question is clarly "no." As argued above, all concepts are developed and employed with respect to some interest. Scholars of argument have qualitatively different interests than do naive actors, and these theoretical interests are no less significant, important, and meaningful than those of everyday actors. To claim, then, that scholars should be bound by the ordinary uses and understandings of some concept is to deny in a fundamental way the legitimacy of their theoretical interests.

In sum, the descriptive perspective, although productive of useful information, does not appear capable of generating characterizations of argument suited to the conduct of scholarly activities. The "naive intuitions" variant of this perspective seems incapable of generating *any* meaningful characterization of argument. The "reflective intuitions" variant *has* produced clear and consistent argument characterizations, but these characterizations are necessarily overly broad and inclusive from a theoretical standpoint, and further tend to introduce unnecessary complications in the analysis of argumentative phenomena.

How, then, should one proceed in constructing theoretically useful argument characterizations? I believe that the approach suggested by Daniel O'Keefe, in its general outlines, is capable of generating argument characterizations that will genuinely advance theory, research, and criticism. This method essentially involves identifying paradigm cases of argumentative phenomena (i.e., argument-making, argument_1, and argument_2), analyzing these cases in detail, and disclosing those features of the paradigmatic exemplars that seem most central to their nature as arguments.[58] In this process it is important, as O'Keefe notes, to keep in mind that paradigm cases of a concept are not necessarily the most numerically frequent instances of that concept, but rather instances that would elicit widespread agreement within a community that they are clear-cut and unambiguous examples of the concept.[59] In contrast to O'Keefe's procedures, however, the method recommended here delimits appropriate paradigm cases from a theoretical standpoint rather than from an ordinary usage standpoint. That is, rather than employing O'Keefe's "procedural clarification" of asking if an instance of the relevant concept is such that one would offer it to a non-native speakerin order to illustrate the ordinary use and sense of the concept, one would ask instead if the instance would be widely recognized by the community of argumentation theorists as a clear-cut and unambiguous example of the relevant concept. Thus, one employs interests of a community of theorists as the context delimiting the range of acceptable paradigm cases rather than the context extablished by the interests of naive actors and non-native speakers. In this manner, one exploits the refined intuitions, the specialized interests, and the sophisticated educational background of a scholarly community in the process of identifying paradigm cases of argumentative phenomena and constructing formal characterizations of these phenomena. The argument characterizations resulting from this procedure should thus be specifically tailored to the needs, interests, and concerns of researchers and theorists.

Identifying widely acceptable paradigm cases of argumentative phenomena might appear to be a difficult task with the present diversity of theoretical perspectives in argumentation studies. Recalling, however, that the isolation of paradigm cases does not depend on definitions of argument, and that the purpose of paradigm cases is not to lend support to particular theoretical viewpoints should considerably ease the identification of paradigm cases. For example, I think both Willard and Kneupper, despite their real theoretical disagreements, would agree that the following exchange clearly constitutes an "argument_2":

> MARK: Women cops, you know, would lead to more violence. There's no question about it.
>
> KRISTA: What? Why?
>
> MARK: Well, men have always been the enforcement figures. It is easier for us to obey men since most of us were obedient to fathers. The cop on the beat has a whole historical tradition and psychology to back him up. That's why he survives as well as he does. Women don't have that tradition, so they are more likely to get attacked. When that happens they'll have to use force and guns more often themselves. See what I mean?
>
> KRISTA: What sort of drugstore psychology is that? As soon as it is understood that women are not going to take crap when they're cops, they'll have all the respect they need.
>
> MARK: But how many people will be hurt while they earn that respect? Anyway, it sounds more like fear to me.

> KRISTA: Mark, that's just the point. Maybe it's necessary to hurt some people in order to get the idea across that women can do anything. It shouldn't be necessary to earn respect, but it is. Does that mean we have to stay at home and cook? It's not our fault women aren't respected. Why should we suffer for it?[60]

Moreover, I think most theorists would agree that in his second set of utterances, Mark clearly "makes an argument," and that this series of utterances can be meaningfully construed as constituting an "argument$_1$." Based on the features of this example, one might be tempted to say that arguments$_2$ can be characterized as disagreement-related interactions in which participants attempt to determine the worth of certain claims by offering and appraising evidence (i.e., by making and appraising arguments$_1$) for those claims.[61] However, my point is not that this is the only correct or acceptable characterization of argument$_2$; certainly other reasonable characterizations of argument$_2$ could be derived from this example, and worthwhile characterizations of argumentative phenomena will be generated by considering many examples, not just one. Rather, my point is that by focusing their attention on those cases that most of their colleagues agree are clear-cut cases of argument, and then developing argument characterizations from an analysis of those cases, argumentation scholars will be in a better position to discover the bases of both their theoretical agreements and disagreements, and will thereby be in a better position to advance the state of research and criticism.

Because of the present state of theoretical diversity, it is likely that the range of cases acceptable to most theorists as paradigm instances will be rather narrow. This means that one initial consequence of the approach suggested here will be the production of fairly narrow and restrictive argument characterizations. However, as several theorists have noted, such a narrow focus is probably desirable given present states of understanding;[62] by concentrating energies on a relatively limited and homogeneous set of cases, theorists should be able to develop much more precise and detailed understandings of argumentative phenomena. Moreover, argument characterizations based on a limited range of paradigm cases may help provide a principled framework for analyzing related, but non-paradigmatic cases. For example, I have been toying with the idea of characterizing what might be termed "genuine arguments$_2$" as interactions in which participants genuinely attempt to rationally resolve a disagreement by discovering the truth or rightness of a matter through the means of exchanging, analyzing, and criticizing arguments$_1$. Admittedly, this is a quite restrictive characterization, but I think it has virtue not only in suggesting a tightly focused analysis of an interesting phenomenon, but also in suggesting principled ways of analyzing related phenomena. For example, I think this characterization suggests several ways in which disputes can depart from being an exemplary "genuine argument$_2$": (1) participants may not actually wish to resolve a disagreement, but may, e.g., simply wish to disagree as a form of mental exercise or recreation, (2) participants may not actually be interested in discovering what is true or right, but may, e.g., be interested in establishing dominance over their interlocuter, (3) participants may not limit themselves to the use of arguments$_1$ as a means of settling their dispute, but may employ other speech acts and physical acts as dispute-settlement means. I present this discussion not as a completed analysis of either argument$_2$ or "genuine argument$_2$," but as an illustration of how a tightly focused characterization can be used systematically as a basis for more encompassing and comprehensive analyses. Thus, an initially narrow focus may lead to the development of formal characterizations of both paradigmatic and non-paradimatic cases—characterizations that have both scope and precision.

In sum, I am arguing for the adoption of what I earlier termed the "prescriptive perspective" on the development of argument characterizations--a perspective that gives priority to the interests of theorists rather than the interests of naive actors. This perspective is inherently more narrow and focused than the "descriptive perspective," and thus yields less inclusive argument characterizations. However, these narrower and more restrictive characterizations may well provide a principled basis for analyzing a quite broad array of phenomena.

Conclusion

Carefully detailed formal characterizations of argumentative phenomena can be of great service to researchers and critics. The nature of such characterizations, however, is profoundly influenced by theorists' orientations to several presuppositional matters. These matters include choices regarding the substance to be characterized, the method of producing the characterization, and the intended audience of the characterization. I have suggested that argumentation scholars will produce more theoretically useful argument characterizations by becoming aware of these isues, explicitly addressing them, and adopting certain orientations to them. In analyzing argumentative phenomena, it is particularly important to recognize the legitimately unique interests of argumentation scholars and to frame characterizations of argument in a manner responsive to these interests.

FOOTNOTES

[1] Preparation of this study was supported by a grant from the National Endowment for the Humanities, Division of Summer Fellowships.

[2] Daniel J. O'Keefe, "Two Concepts of Argument," Journal of the American Forensic Association, 13 (1977), 121-128.

[3] D. O'Keefe, "Two Concepts of Argument," p. 121.

[4] Wayne E. Brockriede, "Where is Argument?" Journal of the American Forensic Association, 9 (1975), 179-182.

[5] Dale Hample, "A Cognitive View of Argument," Journal of the American Forensic Association, 16 (1980), 151-158.

[6] Charles A. Willard, "A Reformulation of the Concept of Argument: Constructivist/Interactionist Foundations of a Sociology of Argument," Journal of the American Forensic Association, 14 (1978), 121-140.

[7] Charles W. Kneupper, "Paradigms and Problems: Alternative Constructivist/Interactionist Implications for Argumentation Theory," Journal of the American Forensic Association, 15 (1979), 220-227.

[8] Scott Jacobs and Sally Jackson, "Argument as a Natural Category: The Routine Grounds for Arguing in Conversation," Western Journal of Speech Communication, 45 (1981), 118-132.

[9] Daniel J. O'Keefe, "The Concepts of Argument and Arguing," in Advances in Argumentation Theory, ed. J. Robert Cox and Charles A. Willard (Carbondale: Southern Illinois University Press, in press).

[10] Barbara J. O'Keefe and Pamela J. Benoit, "Children's Arguments," in Advances in Argumentation Theory, ed. J. Robert Cox and Charles A. Willard (Carbondale: Southern Illinois University Press, in press).

[11] Wayne E. Brockriede, "Characteristics of Arguments and Arguing," Journal of the American Forensic Association, 13 (1977), 129-132.

[12] Brant R. Burleson, "On the Analysis and Criticism of Arguments: Some Theoretical and Methodological Considerations," Journal of the American Forensic Association, 15 (1979), 137-147.

[13] V. William Balthrop, "Argument as Linguistic Opportunity: A Search for Form and Function," in Proceedings of the Summer Conference on Argumentation, ed. Jack Rhodes and Sara Newell (Salt Lake City: SCA/AFA, 1980).

[14] For example, see Ray E. McKerrow, "Argument Communities: A Quest for Distinctions," in Proceedings of the Summer Conference on Argumentation, ed. Jack Rhodes and Sara Newell (Salt Lake City: SCA/AFA, 1980); and Joseph W. Wenzel, "Perspective on Argument," also in Rhodes and Newell.

[15] Bruce E. Gronbeck, "From Argument to Argumentation: Fifteen Years of Identity Crisis," in Proceedings of the Summer Conference on Argumentation, ed. Jack Rhodes and Sara Newell (Salt Lake City: SCA/AFA, 1980); and David Zarefsky, "Product, Process, or Point of View?" also in Rhodes and Newell. Lucas has recently voiced similar concerns with respect to rhetorical criticism, and many of his points apply equally well to scholarship in argumentation; see Stephen E. Lucas, "Coming to Terms with Movement Studies," Central States Speech Journal, 31 (1980), 255-266.

[16] A notable exception to this generalization is D. O'Keefe's most recent analysis of argument (O'Keefe, "The Concepts of Argument and Arguing"). O'Keefe is admirably explicit about the substance, methods, and purposes of his analysis. Indeed, one of the reasons O'Keefe's analysis receives so much critical attention in the present paper is due to his explicitness on these presuppositional matters.

[17] D. O'Keefe, "The Concepts of Argument and Arguing," p. 1. All page references to this article are from the prepublication typescript.

[18] Charles A. Willard, "The Epistemic Functions of Argument: Reasoning and Decision-Making from a Constructivist/Interactionist Point of View." Journal of the American Forensic Association, 15 (1979), 169-191.

[19] Brant R. Burleson, "On the Foundations of Rationality: Toulmin, Habermas, and the A Priori of Reason," Journal of the American Forensic Association, 16 (1979), 112-127.

[20] Jacobs and Jackson, "Argument as a Natural Category." Also see Sally Jackson and Scott Jacobs, "Structure of Argument in Conversation: Pragmatic Bases for the Enthymeme," Quarterly Journal of Speech, 66 (1980), 251-261.

[21] Charles A. Willard, "On the Utility of Descriptive Diagrams for the Analysis and Criticism of Arguments," Communication Monographs, 43 (1976), 308-319.

[22] Burleson, "On the Analysis and Criticism of Arguments."

[23] Brant R. Burleson, "The Place of Non-Discursive Symbolism, Formal Characterizations, and Hermeneutics in Argument Analysis and Criticism," *Journal of the American Forensic Association*, 17 (1980), 222-231.

[24] Wenzel, "Perspectives on Argument."

[25] Wenzel, "Perspectives on Argument," pp. 126-129.

[26] McKerrow, "Argument Communities."

[27] Willard, "The Epistemic Functions of Argument," p. 169.

[28] This interpretation is implied by Zarefsky, "Product, Process, or Point of View?"

[29] B. O'Keefe and Benoit, "Children's Arguments," pp. 4-5. All page references to this article are from the prepublication typescript.

[30] D. O'Keefe, "The Concepts of Argument and Arguing," pp. 5,7.

[31] D. O'Keefe, "The Concepts of Argument and Arguing," pp. 7-8.

[32] D. O'Keefe, "The Concepts of Argument and Arguing," p. 9.

[33] D. O'Keefe, "The Concepts of Argument and Arguing," p. 10.

[34] Alfred Schutz, *The Phenomenology of the Social World*, trans. George Walsh and Fredrick Lehnert (Evanston: Northwestern University Press, 1967).

[35] Indeed, I believe D. O'Keefe might agree with this analysis, at least in its major outlines. He comments: "Argumentation scholars may have (for whatever reason) become accustomed to distinguishing 'fights,' 'quarrels,' 'arguments,' 'tiffs,' 'squabbles,' and 'disputes' from one another on various grounds. But I do not believe that these things are all that carefully distingushed from one another in everyday talk. I cannot imagine, for example, everday folk trying to decide whether it was a 'quarrel' or an 'argument' that the next-door neighbors were having" (O'Keefe, "The Concepts of Argument and Arguing," p. 10). O'Keefe is certainly correct here; ordinary folk would waste little time trying to decide whether some interaction was a "quarrel" or an "argument." But some argumentation theorists have found just such distinctions very worthwile. The fact that argumentation theorists find it useful, and perhaps even necessary, to distingush "quarrels" from "arguments" only highlights the different interests and purposes animating the activities of argumentation theorists and ordinary folk.

[36] Both Willard ("A Reformulation of the Concept of Argument") and B. O'Keefe and Benoit ("Children's Arguments") have employed variations of this argument.

[37] Burleson, "The Place of Non-Discursive Symbolism," p. 227.

[38] No great significance should be attached to these labels. I employ them because they appear, to me at least, to carry a minimum of theoretical baggage.

[39] Charles A. Willard, "Propositional Argument is to Argument What Talking About Passion is to Passion," *Journal of the American Forensic Association*, 16 (1979), p. 25.

[40] Presumably, this would also have to hold for argument$_2$ since it would appear inconsistent to assert that arguments$_1$ have no stable features apart from interactants, but that arguments$_2$ *do* have such stable features.

[41] Willard, "Propositional Argument is to Argument," p. 24.

[42] Willard, "Propositional Argument is to Argument," p. 22.

[43] D. O'Keefe, "The Concepts of Argument and Arguing," p. 3.

[44] D. O'Keefe, "The Concepts of Argument and Arguing," p. 12.

[45] John R. Searle, *Speech Acts: An Essay in the Philosophy of Language* (Cambridge: Cambridge University Press, 1969), pp. 57-61.

[46] Searle, *Speech Acts*, p. 58.

[47] B. O'Keefe and Benoit, "Children's Arguments," p. 5.

[48] D. O'Keefe, "The Concepts of Argument and Arguing," p. 11. Note that this characterization of argument$_2$ provides no limitations in terms of the reasons for the disagreement, the ends of the participants engaged in the disagreement, the manner in which the disagreement is conducted, the way in which the disagreement is behaviorally manifest, etc.

[49] B. O'Keefe and Benoit, "Children's Arguments," p. 3.

[50] In "The Concepts of Argument and Arguing," D. O'Keefe's ordinary usage characterizations of "making an argument" (as involving the communication of both a linguistically explicable claim and one or more overtly expressed reasons which are linguistically explicit, p. 14) and "argument$_1$," (as involving a linguistically explicable claim and one or more linguistically explicable reasons, p. 18) are comparatively much less broad and inclusive than his characterization of argument$_2$: indeed, the characterizations of the two former entities are very similar to those offered by several other argumentation theorists. Hence, it might be argued that an ordinary usage analysis is capable or producing theoretically suitable (i.e., focused, precise, and specific) characterizations of at least some interesting argumentative phenomena.

I contend, however, that O'Keefe's characterizations of argument-making and argument$_1$ are less general and inclusive (and thus proportionately more theoretically useful) *precisely because O'Keefe abandons reliance on ordinary usage in conducting his analyses of these entities*. As O'Keefe admits, for naive actors there is frequently not much difference in meaning among "argue that," "suggest that," "believe that," and "claim that" (p.3); hence, naive actors might not be routinely expected to distingush among arguments$_1$, suggestions, belief declarations (or assertions), and claims. Because naive actors do not routinely distingush among these speech acts (and their respective "speech artifacts"), it would appear that to be consistent with his program of ordinary usage analysis, O'Keefe would have to treat these speech acts (and their artifacts) as being essentially nondistinct in ordinary usage--just as in his analysis of argument$_2$ he treats "fights, quarrels, arguments, tiffs, squabbles, and disputes" (p. 10) as being essentially nondistinct in ordinary usage.

But O'Keefe does not follow this analytic route. Instead, he notes that "many *argumentation theorists* would want to say that arguments$_1$ are very different from suggestions, claims, and belief declarations" (p. 3, emphasis added). Note that O'Keefe does not claim that these distinctions are drawn by *naive actors*, for that would be inconsistent with the view that naive actors do not routinely distingush among "arguing that," "suggesting that," "believing that," and "claiming that." Rather, the distinctions among arguments$_1$, claims, suggestions, ect., are drawn by *theorists*. And it is on the basis of these *theoretically-motivated* distinctions that O'Keefe conducts his analyses of argument-making and argument$_1$; for example, he notes that the making of claims and suggestions or counter-claims and counter-suggestions are all poor candidates for examplarly instances of "making an argument" (p. 12), even though in *ordinary usage* the acts of arguing, suggesting, and claiming are not routinely distingushed from one another. Thus, it appears that O'Keefe inconsistently relies on ordinary usage in conducting his analyses of argument-making, argument$_1$, and argument$_2$: the (theoretically inadequate) analysis of argument$_2$ is based on ordinary usage, but the (theoretically more adequate) analyses of argument-making and argument$_1$ are based, not on ordinary usage, but on distinctions drawn by theorists.

It is interesting to speculate what kind of characterizations of argument-making and argument$_1$ would be produced by adhering to ordinary usage. Given the lack of distinctions between "argue that," "suggest that," etc. in ordinary usage, one might suppose "arguing that" (i.e., making an agrument) paradigmatically involves simply the communication of a linguistically explicit belief for consideration by others. Correlatively, paradigm cases of argument$_1$ would involve simply a linguistically explicable belief. I suggest that these ordinary usage-based characterizations or argument-making and argument$_1$ are no more satisfactory bases for argumentation theory than O'Keefe's ordinary usage-based characterization of argument$_2$.

[51] B. O'Keefe and Benoit, "Children's Arguments," pp. 12-13.

[52] B. O'Keefe and Benoit, "Children's Arguments," p. 20.

[53] Both of these examples *are* characterized by a relationship of opposition among the contending parties, and I think it conceivable that a sportscaster might descibe the blocking of opposing linemen as a case of "having a real argument down in the trenches." Obviously, this is a metaphorical use of the term, but then so are many uses of the term "argument" among naive actors, and it is sometimes difficult to tell which uses are metaphorical and which uses are not.

[54] In fairness to B. O'Keefe and Benoit, it should be noted that these writers do not explicitly claim that all instances of overt opposition *are* arguments$_2$, but only that overt opposition is a "generic characteristic" of all arguments$_2$. However, it is possible to read these authors as at least implicitly equating argument$_2$ with instances of overt opposition since the bulk of their analysis is directed at explicating and exemplifying overt opposition. Moreover, these writers do not offer any principled basis for differentiating instances of overt opposition that (more or less) *are* arguments$_2$ from those instances that are not. This latter point raises a more general issue with respect to the "generic characteristic" approach to analyzing some phenomenon: it is generally not very useful to identify an isolated generic characteristic of some thing. Unless the particular generic characteristic identified is singularly sufficent to describe adequately the phenomenon of interest, it will not serve to differentiate the target phenomenon from (sometimes remotely) related phenomena. In general, it is the class of cases defined by the *intersection* of several generic characteristics that constitute a phenomenal domain of interest. Thus, theorists employing the generic characteristic approach assume an obligation to identify *all* relevant generic characteristics. Lacking all relevant generic characteristics, a writer might provide very interesting analyses of, e.g., instances of overt opposition, but these analyses could be of questionable relevance in the study of argument since many instances of overt opposition are quite far removed from the realm of argument.

[55] Against the preceding analysis it might be objected that naive actors do not routinely use the term "argument" to describe events such as hair-pulling sessions, military battles, blocking matches in football, and dog fights. There are, however, two problems with this objection. First, this objections is, in one sense, not particularly relevant. For here we are concerned not with the ordinary uses of "argument" per se, but with the properties of formal characterizations of argument based on ordinary usage. That is, the question is not whether some event would be described as "argument" by naive actors, but whether this event is potentially included within the range of phenomena delimited by a formal characterization of argument. Second, such an objection appears to imply that theorists are to rely on the naive intuitions of ordinary actors in deciding whether some event counts as an instantce of "argument." However, as was seen in the discussion of the "naive intuitions" variant of the descriptive perspective, this is not a workable procedure for argumentation theory.

[56] See my "ordinary usage" analysis of argument-making and argument$_1$ in footnote 50.

[57] Several other writers apparently agree that characterizations of argument based solely on the ordinary uses of the term are too broad for productive research and criticism. For example, in their conversational analytic approach to argument, Jacobs and Jackson exclude certain phenomena that might be described as "argument" by naive actors, noting that "we are not interested in transforming non-discursive symbolism or any other human activity into argument in a way that by-passes their performative structure

in communication" [Scott Jacobs and Sally Jackson, "Conversational Argument: A Discourse Analytic Approach," in Advances in Argumentation Theory, ed. J. Robert Cox and Charles A. Willard (Carbondale: Southern Illinois University Press, in press), p. 10; the page reference is to the prepublication typescript of this article]. Similar exclusionary sentiments have been expressed by Balthrop ("Argument as Linguistic Opportunity"), and Kneupper ("Paradigms and Problems").

[58] See D. O'Keefe, "The Concepts of Argument and Arguing," pp. 5-9.

[59] D. O'Keefe, "The Concepts of Argument and Arguing," p. 7.

[60] This exchange is excerpted from an example presented in Michael A. Gilbert, How to Win an Argument (New York: McGraw-Hill, 1979), pp. 152-153.

[61] Such characterizations of argument$_2$ have been offered by, among others, Brockriede ("Characteristics of Arguments and Arguing"), Burleson ("On the Foundations of Rationality"), and Stephen Toulmin, Richard Rieke, and Allen Janik, An Introduction to Reasoning (New York: Macmillan, 1979).

[62] For example, see Balthrop, "Argument as Linguistic Opportunity"; Burleson, "On the Analysis and Criticism of Arguments"; O'Keefe, "The Concepts of Argument and Arguing," p. 23; and Zarefsky, "Product, Process, or Point of View?"

SENSES OF ARGUMENT:
USES AND LIMITATIONS OF THE CONCEPT

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Brant Burleson's review of the "senses of argument" literature is both comprehensive in scope and detailed in its explication of specific "senses." His critique of the adequacy and accuracy of past formulations is sound. In fact, the differences between his "reading" of the literature and mine are minor, making this "critical response" more of an affirmation and extension than a critique of his arguments. My major purposes in this essay are to (1) review the themes addressed by Burleson, offering additional support for his analysis, and (2) argue for an organic conception of argument in which the "senses" are collapsed in on-going discourse.

Burleson raises four general questions: What is gained by formal characterizations?; What are we characterizing?; For whom are we developing the characterizations?; and How should we proceed to identify senses and construct theory? The utility question can be accepted as a given: reasons advanced for distinguishing senses of argument have merit. What is problematic is not "Should we . . .?" but "What is the basis for the distinctions?" Burleson argues throughout his essay, and I concur, that ordinary language use is not the basis (or at least not the sole basis) for formal characterizations.

Ordinary language use is fuzzy; technical distinctions should approximate intuitive understanding of ordinary use, but should not be accepted or denied solely on the basis of such use. John G. Kemeny, in a review of a philosophical dispute whose central issue has relevance for our discussion, raises two questions concerning philosophical definitions: "Can philosophy gain by proposing precise distinctions to replace fuzzy concepts found in every-day discourse? Is it methodologically sound to formulate these definitions in terms of a formalized language?" (1964, p. 122). Kemeny's overview of the dispute (regarding analytic/synthetic distinctions) is not our concern; his principal claim is. We can gain more knowledge of ordinary language by adopting precise distinctions than we can if we depend on the fuzziness of ordinary use (Kemeny, 1964, p. 121). This does not mean that we should ignore ordinary use, but rather place it in perspective. The explication of the senses of argument, then, should be judged on "whether it helps to organize knowledge [and] whether it provides insight into ordinary discourse" (Kemeny, 1964, p. 140).

An example of the difficulties inherent in ordinary language-derived definitions concerns distinctions between argument$_1$ and argument$_2$ (see O'Keefe, 1977). In a recent study, Scott Jacobs and Sally Jackson argue that commonsense understanding "allows for the occurrence of argument$_1$ without argument$_2$ and for the occurrence of argument$_2$ without argument$_1$" (1980, p. 121). That is, people can make arguments without being involved in an argument and, conversely, can be involved in an argument without making an argument. The first part of the "equation" is non-problematic--people construct arguments all the time that are accepted rather than disputed or challenged. The second part of the "equation" incorporates a shift in the definition of "having an argument" (argument$_2$): where the first sense assumes a disputative rejoinder or challenge, the second sense claims an argument$_2$ exists without such a rejoinder.

In this same connection, O'Keefe argues that requiring argument$_1$ as a precondition of argument$_2$ "seems to fly in the face of common understandings about arguments$_2$" (in press, p. 9). He offers several examples in which a common understanding of the interchange would assert that argument$_2$ was present without implying the existence of argument$_1$. These are, he asserts, within the bounds of "paradigm cases" of argument$_2$. The first example consists of the repitition of a claim without offering reasons or really acknowledging the opposing claim:

> J: Let's go to a movie tonight.
>
> M: Let's stay home instead.
>
> J: No, let's see a movie.
>
> M: No, I think we should stay home!
>
> J: No, we should go to a movie (O'Keefe, in press, p.9)

The actors and an observer may well characterize this as an argument$_2$. On the surface it does appear that argument$_1$ is missing. While not linguistically explicit, it is possible that each actor can and perhaps does "make arguments" that are linguistically explicable by the participants (for the distinction between explicit and explicable, see O'Keefe, in press). That is, the persons bring to their respective repititions of a claim a shared "stock of knowledge" (Giddens, 1979, pp. 57-59) from which arguments$_1$ are intuitively known. If Dale Hample (1980, 1981) is correct in his characterization of argument as existing in the receiver's cognitive structuring of external stimuli, the correct location for interpreting exchanges lies with the interlocutors in their roles as receivers. In this sense, Jacobs and Jackson (1981) and O'Keefe (in press) can only claim that persons have argument$_2$ without argument$_1$ because they (J,J, and O'K) choose to so construe the act.

With respect to the above example, the second possibility is that the persons are not competent speakers. I see nothing wrong with demanding that paradigm cases of argument$_2$ include an assumption that persons are competent communicators, that they know and can execute prescriptive standards for making arguments, for having an argument, etc. If they lack competence, then the characterization of their interchange as argument$_2$ is in error.

A second example offered by O'Keefe is more troublesome, if only because it seems to violate his own standards for paradigm cases. O'Keefe observes that "one can see a couple in a restaurant obviously having an argument$_2$ yet not be able to hear what they are saying to each other (and hence not be able to say whether any arguments$_1$ were being made)" (in press, p. 10). There are two difficulties with this example. First, it introduces a positivistic criterion for knowing that an event has occurred. Given this, O'Keefe cannot know whether argument$_1$ is present unless he is present. Since he cannot hear, he can neither assert argument$_1$ exists nor assert that it does not. As proof that argument$_2$ occurs without argument$_1$, the example is moot. Second, the analysis contravenes what is normally understood by "having an argument"--that people are constructing arguments$_1$. That is, although we may not know (in a narrow sense) whether argument$_1$ is present, our conventional norms for being in an argument$_2$ presuppose argument$_1$. Hence, in terms of establishing a paradigm case, it would seem more appropriate to presume argument$_1$ than not.

In this discussion, I do not want to deny that people label encounters in fuzzy, erratic, inconsistent, and inexact ways. Argument, considered as a process term, is applied to a wide range of acts. Nor should we automatically accept labels at face value. When pressed, a person who labelled an exchange as an argument$_2$ may back-off and qualify or change the designation of the event. What I am denying is that we gain more mileage from adhering to such ordinary language designations than we do by constructing precise definitions. Unless argument$_2$ is defined, either by formal characterization or by paradigm case, as requiring the presence of argument$_1$ we lose conceptual clarity. In the case of argument$_1$ without argument$_2$ the domain of argument$_2$ is restricted by implication. Without the above requirement, argument$_2$ is allowed to roam free, uncircumscribed by boundaries. Any interchange that can be characterized by disagreement, whether an argument is constructed or not, can be labelled as an instance of argument$_2$. Modeling "categories with the fuzzy boundaries and unreliable application with which natural language users work" (Jacobs and Jackson, 1981,p. 9), in other words, is not the best approach to delineating the senses of argument.

Ordinary usage is helpful if we use such data to improve on its usage. People do not, for example, use argument$_1$ and argument$_2$ as phrases in natural discourse; we should not be forced to accept their conventions as the defining limits of theory construction. If people label exchanges "argument$_2$" that fall outside a theoretical definition, two questions are called for: "What is the object in question?"; and "Why is it understood as argument in ordinary usage?" Remaining at the level of fuzziness prompts neither question.

If we do not rely on social actors as the sole source for the "senses," on what should we rely? Burleson argues, and again I concur, that we should elaborate the properties of the phenomena. These can be checked against ordinary usage to determine whether they help organize knowledge about argument. To be useful, delineations of the "senses" in argument$_1$/argument$_2$ terms or as process-product-procedure (Burleson, 1979; O'Keefe, 1977; in press; Wenzel, 1980) must be applicable across different settings. As Burleson notes, most of the research on "senses" has focused on everyday interactions of social actors. Unless one presumes that such typifications automatically apply to "social" and "philosophical" communities (McKerrow, 1980), the focus needs to be broadened to discover how the "senses" function in other settings. Describing argument as "disagreement management" is fine (Jacobs and Jackson, 1981) but we cannot assume that the style of management is the same across divergent settings.

In summary, this section of the essay has collapsed Burleson's themes to two main concerns: (1) the characterization of senses should not be solely dependent on ordinary language use; and (2) attributes of the senses should be distinguished in terms of the phenomena they represent and not simply in terms of what some actors do. Given these as starting points, the "senses" concept can be used with profit to organize knowledge; more importantly, it can be used to prompt questions that otherwise may never be raised.

What, then, are the limits of the "senses" concept? The first limitation is that, regardless of what scheme is developed, the classification is not "reality." Although "clear" cases of argument as process-product-procedure can be defined, and "clear" paradigm cases of argument$_1$ and argument$_2$ can be developed, neither wholly captures argument. Argument-in-practice is organic, understood "wholistically" (Brockriede, 1977, p. 130) rather than partially as process, etc. Each of the dimensions suggested by Wenzel (1980) and the attributes delineated by Burleson (1979) and O'Keefe (in press) are helpful in analyzing argument, but none individually exhausts the argument as it unfolds in significations. While the senses are distinguishable, we should not assume that they exist in isolation from one another. This is the argument that Brockriede (1977) makes in response to O'Keefe (1977). Distinguishing senses, whether in O'Keefe's formulation or in Wenzel's, makes sense only if we do not delude ourselves into thinking that we have demarcated two or three "realities."

The rationale for an organic perspective can be highlighted in a brief examination of Wenzel's distinctions between arguing and argument. His typology is as follows (1980, p. 124):

arguing = process = rhetoric
argumentation = procedure = dialectic
argument = product = logic

These are further differentiated by functional attributes: practical and theoretical purposes, situations, rules, standards, speakers, and listeners. Wenzel treats each as separable but acknowledges "instrumental relations" that hold between and among the perspectives (1980, p. 125). A rhetorical act of "arguing" contains within it dimensions of dialectic and logic; the same could be said for the other acts as well. What I am arguing for is an understanding of argument's "senses" that parallels the function of Aristotle's "modes of proof." Although one may be dominant in any given moment, each contributes to the creation of the ARGUMENT (for the lack of a better designation of the generic term).

Wenzel, in assessing the usefulness of the triad, notes that Farrell (1977) and McKerrow (1977) confound rhetorical and logical "senses" in employing the phrase "rhetorical validity (1980, pp. 128-29). While I agree that the phrase is infelicitous, the choice intentionally confounds the separate forms. Within the context of rhetorical analysis, "logic" is changed, just as rhetoric is altered in the context of logic. The terms have more than just "instrumental relations." They alter their identity in contexts other than their own. Their interaction produces a constellation of speech act-motive-critique-context that is identifiable as neither wholly rhetoric nor logic. Hence the term "rhetorical validity" for that instance when the nature of rhetoric and logic are confounded in practice. Delineating senses in such strict fashions that such interpenetrations and alterations are disallowed would be an unproductive way to construct theory.

A second limitation depends on the way the concept is employed. As I have argued elsewhere, the process-product notions seem to have been in opposition to one another (McKerrow, 1980, pp. 214-15). The value of the distinctions lies neither in the direction of nor depends on the perceived antagonism between the two senses. What is of importance is the ways each informs, alters, conditions the other.

As I have noted earlier in this essay, the senses concept will be restricted in its heuristic value if the definitions are premised solely on ordinary language use. "Having an argument" either includes the product or it does not; we gain little conceptual clarity by trying to have it both ways. Brockriede is clear on this point: "Although persons can make arguments without engaging in the process of arguing, I do not see how they can argue without making arguments"(1977, p. 129). Whatever it is that people do when they claim to have argued without constructing arguments is a subject that requires exploration. Simply calling the act "argument" does little to illumine the interaction.

Accepting Brockriede's claim does not attach significance to chronological priority between the senses. Very little conceptual mileage is available from this distinction. The same is true of any imputed hierarchy among the "senses." Within an interpersonal context, understanding the process of argument may be the goal of a critic's analysis (see Brockriede, 1977, p. 130). Within other communities of argument (e.g., social, scientific, legal), the product or the procedure may be of primary importance. Recognizing the need to study argumentative practices of persons is fine, but we don't need to delude ourselves into thinking that this is the only or the most important arena. It could be argued that understanding argument as process in the larger political world is more important than clarifying how two persons argue. The major point, however, is that such discussions are pointless.

Finally, the "senses" are limited by their explanatory power. Whether one formulation or another prevails as "the" explanatory framework or not depends on how well the perspective describes or accounts for argument-as-practice. It may well be that several (probably a finite number) of schemas will be necessary as each allows for answers to different, equally important, questions.

In sum, any application of "senses" must recognize the organic nature of the concept being studied. So long as we are not sidetracked by needless distinctions or debates over trivial matters, the "senses" approach has promise as a heuristic tool for analyzing ARGUMENT.

REFERENCES

Brockriede, W. E. Characteristics of Arguments and Arguing. Journal of the American Forensic Association, 1977, 13, 129-32.

Burleson, B. R. On the Analysis and Criticism of Arguments: Some Theoretical and Methodological Considerations. Journal of the American Forensic Association, 1979, 15, 137-47.

Farrell, T. Validity and Rationality: The Rhetorical Constituents of Argumentative Form. Journal of the American Forensic Association, 1977, 13, 142-49.

Giddens, A. Central Problems in Social Theory. Berkeley: University of California Press, 1979.

Hample, D. A Cognitive View of Argument. Journal of the American Forensic Association, 1980, 16, 151-58.

Hample, D. The Cognitive Context of Argument. Western Journal of Speech Communication, 45, 1981, 148-58.

Jacobs, S. and J. Jackson. Arguments as Natural Category: The Routine Grounds for Arguing in Conversation. Western Journal of Speech Communication, 45, 1981, 118-32.

Kemeny, J. G. Analyticity versus Fuzziness. In John R. Gregg and I. T. C. Harris (Eds.), Form and Strategy in Science. Dordrecht, Holland: D. Reidel, 1964.

McKerrow, R. E. Rhetorical Validity: An Analysis of Three Perspectives on the Justification of Rhetorical Argument. Journal of the American Forensic Association, 13, 1977, 133-41.

McKerrow, R. E. Argument Communities: A Quest for Distinctions. In J. Rhodes and S. Newell (Eds.), Proceedings of the Summer Conference on Argumentation. Salt Lake City, UT: SCA/AFA, 1980.

O'Keefe, D. J. Two Concepts of Argument. Journal of the American Forensic Association, 1977, 13, 121-28.

O'Keefe, D. J. The Concepts of Argument and Arguing. In J. R. Cox and C. A. Willard (Eds.), Advances in Argumentation Theory and Research. Carbondale, IL: Southern Illinois University Press, in press.

Wenzel, J. W. Perspectives on Argument. In J. Rhodes and S. Newell (Eds.), Proceedings of the Summer Conference on Argumentation. Salt Lake City, UT: SCA/AFA, 1980.

DEEP RHETORIC: A SUBSTANTIVE ALTERNATIVE TO CONSEQUENTIALISM IN EXPLORING THE ETHICS OF RHETORIC [1]

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Confronted with the challenge of formulating a coherent position concerning the ethical dimensions of the speech act, the speech communication field has been singularly ambivalent. Initially, we seemed to suffer a guilt complex because the very core of the discipline, persuasion, was seen as fundamentally manipulative and awesomely powerful.

If we can judge properly by the textbooks of the post World War I period, the field reacted to the attacks on persuasion launched from such quarters as the Institute for Propaganda Analysis by arguing first, that persuasion was not evil in itself, but merely a tool which could be used for good or ill, and secondly, that an understanding of the persuasion process is the strongest defense that could be mustered against it. B. J. Diggs succinctly summarized much of the feeling toward persuasion in the first paragraph of his exposition of the relationship between persuasion and ethics: "Misuse of 'the persuasive arts,'" he asserted, "has been so common and at times so notorious, that some have regarded persuasion as inherently evil, something which by its nature 'ought to be avoided,' like a lie."[2] That this view is still very much alive is attested to by George Kennedy's choosing to begin his massive work on Grecian rhetoric with an 1908 quotation from Paul Shorey: "We are freed from rhetoric only by study of its history."[3]

The situation today is substantially different. "Persuasion" has been largely replaced by "communication" as the focal point of our studies, and "scientific objectivity" has largely replaced the humanistic methodologies of past times. In such an environment, questions concerning such matters as ethics are seen as, if not absolutely irrelevant, "quaint" at best. Thus, it is not at all unusual to read a contemporary persuasion text in which ethics is given only the most cursory treatment and one that bespeaks such a superficial understanding of the issues involved that the teacher would generally be most well-advised to skip that section entirely.

Despite their manifest differences, these positions agree that rhetoric is properly construed exclusively as a tool--as an essentially value-free process of gaining assent and modifying behavior. This notion has, I believe, been long dominant in our profession. In spite of that, however, and in spite of certain support that can be adduced for it from Aristotle,[4] I shall maintain that the position is false to the classical tradition and has trivialized rhetoric by obscuring the proper relationship between rhetoric and ethics.

Let me begin by drawing out some of the ethical implications of the "tool" or "process" view. As Jean-Paul Sartre pointed out, a tool "is the congealed outline of an operation. But it remains on the level of the hypothetical imperative. I may use a hammer to nail up a case or to his my neighbor over the head."[5] In neither case, of course, is the tool a proper object of praise or blame.

Now, if we accept the "tool" construction for rhetoric we are necessarily restricted to Herbert Whichelns' formulation of our critical task: an evaluation of the "effects" of situated rhetoric.[6] Tools exist to accomplish prudential ends and an expert in their construction and/or use is in a position to evaluate the efficacy with which the tools are applied. He is not, however, necessarily competent on the desirability of the objective for which those tools are employed.

The upshot of this construction is that when we deal with ethical matters in our textbooks or criticism (and we can scarcely avoid doing so) such treatments are typically obvious (don't lie, don't plagiarize) and/or give the impression of being "tacked onto" the legitimate subject matter.

It should be noted that, in taking such a course, we are following the example of the dominant strain of contemporary moral philosophy: act-utilitarianism. As J. J. C. Smart explained, "Roughly speaking, act-utilitarianism is the view that the rightness or wrongness of an action depends only on the total goodness or badness of its consequences, i.e. on the effect of that action on the welfare of all human beings."[7]

I will resist the temptation to offer a critique of this position here beyond pointing out that act-utilitarianism is basically a morality of behavior rather than action in that the objects of the utilitarian's evaluations are not agents but consequences. On this view, "good" or "bad" is only applied to results so that the act-utilitarian cannot, except by indirect means, judge a person's character. If we are to judge an agent or his act, under this approach, we can do so only by inquiring into the consequences he visualized his act as having at the time he performed it.

In other words, we could only judge him with reference to his intentions.

Regardless of any other merits or demerits it may have, then, act-utilitarianism has the singular feature of confounding the ethical with the prudential. Since it effectively divorces "morality" from "character," it sees moral action as essentially a matter of engineering so that, rather than trying to *be* good in the sense of developing a superior character, the agent tries to *do* good in the sense of acting so as to secure superior consequences. John Rawls explained the point:

> On this [the utilitarian] conception of society separate individuals are thought of as so many different lines along which rights and duties are to be assigned and scarce means of satisfaction allocated in accordance with rules so as to give the greatest fulfilfillment of wants. The nature of the decision made by the ideal legislator is not, therefore, materially different from that of an entrepeneur deciding how to maximize his profit by producing this or that commodity, or that of a consumer deciding how to maximize his satisfaction by the purchase of this or that collection of goods. In each case there is a single person whose system of desires determines the best allocation of limited means. The correct decision is essentially a matter of efficient administration.[8]

This is not to assert that questions of prudential ends are not a legitimate matter for ethical consideration. Nevertheless, we must realize that such questions are not within the purview of the special expertise of the rhetorician and that our speculations on them can carry no superior warrant to that of any other common-sense moralist of the community. To be sure, no discussion of ethics can proceed without reference to mundane activity and its consequences, but if the communications scholar is to make any meaningful contribution to our understanding of the ethical dimension of the communication act, he must withstand the temptation of *focusing* on the moral implications of what is *talked about*. For better or worse, the special domain of the communication scholar is *talk itself*, and if we can find no ethical dimension there, there is no ethical dimension about which we can speak with any authority at all. The question for consideration here, then, is in what sense can talk itself be said to have an inherently ethical dimension?

The great problem with viewing communication as purely instrumental is that such a view implies that language is a tool like any other, and that is simply not the case. Language is unique in that it is the only tool which teaches us how to use itself. Language serves its functions of social control and coordination not so much through the directives it enables, as by the categories it establishes. By this I do not intend an acceptance of the Sapir-Whorf hypothesis that one is deterministically locked into a particular "world view" by the grammatical categories his language affords. Rather, I am speaking of the symbolic nature of language: the sense in which language becomes shorthand for culture in that it forms what Richard Weaver called a *textus receptus* which harbors "the commonplaces of opinion and behavior"9 which constitute the culture itself. It is this *textus receptus* which affords a culture that commonality of meaning-making which renders it, in Kenneth Burke's term, "consubstantial."10

The fundamental process at work in such a view of meaning-making is that of metaphor--the theory of meaning wherein things become meaningful by virtue of imputed relationships between the "known" and the "less known." I. A. Richards explained it this way: "Thought is metaphoric, and proceeds by comparison, and the metaphors of language derive therefrom."11 To think of something is to take it as of a sort, and a developed culture is marked by a certain unanimity in the way it sorts experience. It has, in other words, a commonality in its metaphoric base and in the metaphoric process itself.

Richard Weaver was particularly fecund in his exploration of this matter. As he said,

> What we more than suspect is that all language is metaphorical in origin, and the use of metaphor is distinctly intellectual and non-naturalistic, because mataphor disengages the word from the thing. At the same time it sets up a new level of meaning which relates the word to the thing and something else.12

This analysis was reinforced and extended in "Agrarianism in Exile" where he drew out the dynamics of the comparison process and linked it conclusively to the poetic.

> It is with the symbol that we make the leap from what can be demonstrated rationally to what cannot, so that the poet as poet is a non-rationalist. . . . Every comparison he makes has its implicative. The poet likens life now to a prosperous sea voyage; again to the sere and yellow leaf. These do not end with mere description. They place the subject somewhere on this ladder of universal analogy, so that we gain an insight into the relationship to true being. Metaphor, the distinguishing gift of the poet, as Aristotle pointed out, is the bridge between the phenomenal and the noumenal world.13

One way of understanding "comparison"--the usual way, I believe--is to see it as simply expressing a relationship between two items. Such an understanding, however, implements a correspondence theory of knowledge and thus stands in direct opposition to Weaver's point. Perhaps an example will clarify the point. If we were to ask a normal person what the term "above" means, we would probably be met, if not with slack-jawed confusion, with a series of synonymous statements such as "over," on top of," etc. Thus, the respondent would recognize the term as "relative" in the sense that it expresses some relationship between two objects. Importantly, however, he will also recognize that the relationship disappears when the objects are transported to outer space. Thus, he can be made to understand that his meaning of "above" depends not only on the relative positions of the two items but also on their relationship to a third item, in this case, the source of gravity, which is not itself seen as "relative" and which formed no part of his conscious account of the term.

If the metaphoric account of meaning-making is correct, then, we can say that a term becomes meaningful to the extent that we can place it in the formula "A is like B with respect to C" in which "A" is the matter under consideration, "B" is a paradigm case advanced as clarification, and "C" is what I call the "criterial absolute." The key to this formulation is, of course, the third item, which constitutes the indispensible theoria of the mind whereby the formula becomes intelligible. Space precludes a careful consideration of this item, but analysis will demonstrate that it is seen as unconditional and ultimate, that it is necessarily undefinable in any final sense, and is thus always "out of discourse." It provides the warrant, finally, for accepting the surface claim.14

Though this form of "knowing" has formal instantiation in "analogy," "metaphor," etc., it is nevertheless materially present in all "knowing." Thus, "A causes B" is formally different from "A is like B." To the extent that "causes" is meaningful, however, it incorporates the comparison dynamic in that to grasp the assertion, we must be capable of saying, for instance, "the relationship between A and B in this case is like the relationship between two billiard balls with respect to the way the one determines the movement of the other," and the "C" would be the notion of material causation itself.

Whatever else it might be, rhetoric is that form of discourse which urges choice. It tells us to do "A" on the assumption that we could do "B" instead. Thus, the specifically rhetorical formula is "A is better than B" and it is in this form that all rhetorical appeals--what I call "surface rhetoric"--are cast. Importantly, however, such appeals are incoherent and certainly non-compulsive without a criterial absolute specifying, tacitly, the unconditionally true and the absolutely good. This tacit element of rhetorical appeal I call "deep rhetoric" and it was with reference to this element, I believe, that Weaver asserted "language is sermonic." As he pointed out, when an audience is confronted with rhetorical appeals, "the listener is being asked not simply to follow a valid reasoning form but to respond to some presentation of reality. He is being asked to agree with the speaker's interpretation of the world that is."15

Certainly there is nothing new about the concept being presented here. "Deep rhetoric" is what Aristotle had in mind, I believe, when he asserted at the virtual inception of our discipline that

> the framers of the current treatises on rhetoric have constructed but a small portion of that art. The modes of persuasion are the only true constituents of the art: everything else is merely accessory. These writers, however, say nothing about enthymemes, which are the substance of rhetorical persuasion, but deal mainly with non-essentials.16

Now, as Professor Bitzer has shown,

> the enthymeme accomplishes for rhetoric what the method of question and answer accomplishes for dialectic. The speaker draws the premises for his proofs from propositions which members of his audience would supply if he were to proceed by question and answer.17

This is to say that the enthymeme functions by showing a position to be compelling on the basis of the audience's own deepest commitments. It is these commitments, of course, which constitute the criterial absolutes upon which enthymemes are based. They are the "deep rhetoric" being spoken of here.

The point is best illustrated from Richard Weaver. The real impact of Weaver's celebrated notion of the "bases of argument" is that discourse necessarily urges metaphysical assumptions. If, for example, the rhetor urges action on the grounds that "A" is the cause of "B," he is necessarily urging, tacitly, that the universe is so constructed that such a statement makes sense. Clearly, such an argument would be totally ineffective with an audience who believed that events occured randomly. Similarly, it would have no force for the thorough-going fatalist who, though he believed matters are ordered in a causal fashion, would deny his ability to alter them. It is in this sense that Weaver maintained, "We are all preachers in private or public capacities. We have no sooner uttered words than we have given impulse to other people to look at the world, or some small part of it, in our way."[18]

Since deep rhetoric constitutes the meaningful grounds of communal action, it can easily be shown to be the cultural counterpart to what Aristotle called *phrenesis* or practical wisdom in his account of individual ethics. Deep rhetoric constitutes our common premises concerning "how things are" in the intelligible universe. What is the nature of man, his relationship to the world, his origin and *telos*? A people's answer to such questions constitute the springs of their action, and, since they *must* act, such questions cannot always be the objects of deliberation. When such questions are settled to the extent that a man can say (without actually saying) "this is who I am, this is where I belong, this is what I should want," and thus be capable of action, he has a "rhetoric" in the sense being discussed here. To express it differently, a "rhetoric" is the response to such questions when the responses are not taken as problematic--the answers we make when the questions are not asked.

Now, even a cursory analysis of this view will show it to be incommensurate with the fundamentally "relativistic" perspective of consequentialism. On the present view, "meaning," "motivation," and "action" are all relative, to be sure, but not ultimately so. If man lives by his meaning he does so by perceiving and resolving contingencies on the basis of that which he perceives as ultimate and noncontingent and which has been called the criterial absolute.

On this account, man acts because he senses a tension between the way things are and the way things ought to be. In other words, he feels a sentiment expressible in the form "altered circumstances would be *better* than the status quo." This formula, of course, reduces to and presupposes "A is better than B with respect to C." Without a "C" there could be no exigence associated with "B" and no means of anchoring the hierarchy whereby "A" is seen as an improvement. Thus, we can see that action always entails the interaction of concrete circumstances and ideals via the imagination.

More importantly, perhaps, we can see that action--regardless of its prudential dimension--is always a form of *worship* since it proceeds from our allegiance to that which we take as absolutely true and good; that to which we ascribe "immanence." I certainly recognize the danger of introducing essentially theological concepts into a secular forum--particularly in the current political and academic environment. Such action is necessary, however, if we are to come to grips with the ethical dimension of the rhetorical act. Weaver dealt with both the problem and the necessity in *Ideas Have Consequences*:

> That it does not matter what a man believes is a statement heard on every side today. The statement carries a fearful implication. If a man is a philosopher in the sense with which we started, what he believes tells him what the world is for. How can men who disagree about what the world is for agree about any of the minutiae of daily conduct? The statement really means that it does not matter what a man believes so long as he does not take his beliefs seriously. Anyone can observe that this is the status to which reliegious belief has been reduced for many years. But suppose he does take his beliefs seriously? Then what he believes places a stamp upon his experience and he belongs to a culture, which is a league founded on exclusive principles.19

The fact is, of course, that, will he, nill he, man cannot avoid taking his basic metaphysical assumptions seriously whether or not he knows what they are and whether or not they are identifiably "religious." The reason, I believe, that we seem to have difficulty in dealing with such assumptions is that the terms which embody them--terms like "rhetoric," "meaning," "motivation," and "action,"--have all been trivialized by reducing them to pure "process." This trivialization is not difficult to understand if, as Weaver implied, such concepts are basically religious.

From the beginning of systematic theology, at least in the Judeo-Christian tradition, the proper relationship between man and God has been denominated "faith." The significance of this for our current consideration is that "faith," like the terms mentioned above, clearly denominates an activity, and also like the other terms, has come to be generally understood as "pure" activity whose value is determined by the consequences it engenders. The scholastics recognized that such an interpretation was false to the patristic notion of faith (*pistus*) found in sacred writ in that it emptied it of content and made it valuatively neutral. The difficulty was certainly exacerbated if not caused by their own philosophical penchants whereby they attempted to reduce the synthetic, mythopaeic message to analytical formulae. Be that as it may, however, they solved the problem by separating "faith" into two parts: the *fides qua creditur* (the faith through which one believes) and the *fides quae creditur* (the faith which is believed).

In his exploration of this theme, *Dynamics of Faith*, Paul Tillich revived the patristic concept when he said of the scholastic division,

> This distinction is very important, but not ultimately so, for the one side cannot be without the other. There is no faith without a content toward which it is directed. There is always something meant in the act of faith. And there is no way of having the content of faith except in the act of faith. All speaking about divine matters which is not done in the state of ultimate concern is meaningless. Because that which is meant in the act of faith cannot be approached in any other way than through an act of faith.20

This, finally, is the implication lying behind the discussion of the metaphoric theory of meaning and motivation: given the analogic structure the theory entails, it is absurd to speak of the ascription of meaning in either a cognitive or evaluative sense applied to matters in the contingent sphere of human knowledge without the assumption of an existent beyond this--a realm, Weaver asserted, where values have ontic status.

Now, given the dynamics of the meaning-making process, it does not matter very much whether we call its substantive anchor the "metaphysical dream," the "tyrannizing image," the personal "center," or the perception of God. The important thing is that each formulation presupposes the existence of a real criterial absolute which is beyond direct perception or comprehensive expression and which is unconditional and ultimate. These characteristics, as Tillich pointed out, imbue the concept with "divinity." "It would not help at this point of our analysis," he said,

> to call that which is meant in the act of faith "God" or "a god." For at this step we ask what in the idea of God constitutes divinity? The answer is: It is the element of the unconditional and of ultimacy. This carries the quality of divinity. If this is seen, one can understand why almost everything "in heaven and on earth" has received ultimacy in the history of human religion.21

Another way of putting this would be to say that divinity is a characteristic of what men take to be "really real" and hence act upon without deliberation. The significance of the point, however put, to rhetorical scholarship can hardly be overstated. As we have seen, "action" is necessarily a function of man's "meaning" and "motivation," and both these processes necessarily entail allegiance to some view of the "really real" which stands criteria for the analogic processes involved. Moreover, man has no choice with respect to those processes. He is descriptively contrained to function according to his meanings and those meanings are descriptively constrained to function according to the formula "A is ___ B with respect to C." He is not, however, constrained to choose any particular "C." He must have one, and it must have the characteristics of ultimacy and unconditionality, but what it is is up to him. It is even possible for him to act incoherently from different criterial absolutes, but each act in itself will pay homage to some ultimate, unconditional notion.

Obviously then, man's whole freedom is a matter of his choosing this ground of action, for that ground will dictate, via the meaning-making process itself, the secondary, situated decisions that he will make. Weaver made this point clearly in his response to those who would deny the reasonableness of his program because "you can't turn the clock back," or "there is no staying the march of material progress." Of them he said, "Such people, I am certain, greatly underestimate the power of men to achieve their real choices. But the choices must be real and primary, not secondary ones."22 The "real and primary" choice in every case, however, is that of the criterial absolute itself--what Weaver called the metaphysical dream.

Moreover, if man's freedom is only realized through his choice of metaphysical dream, it is clear that the other concepts central to the rhetorical discipline--choice, action, meaning, and motivation--are also reducible in their contingent natures to the same concept. Thus to speak of any of these concepts in their variability (as the rhetorician and rhetorical critic obviously must) is to speak of the idea of reality and good that they entail. It is to ask, "what is being seen as divine?" or "what is being worshipped here?"

To the extent that we have focused on surface rhetoric--the strategies of winning assent--and seen our task as exhausted by imparting and evaluating the instrumental aspect of rhetoric, our profession stands justly accused of sophism. As Maurice Natanson expressed it, "instead of a philosophy of rhetoric, we have drawn from Aristotle a manual of oratorical technique and a debater's guide."23

This indictment becomes particularly serious when we reflect that, in most cases, our fundamental commitments arise not from dialectical evaluation but as inferences from lower level arguments presented by those who are presumed to "know." Thus, the behaviorist need not argue in support of the determinist hypothesis to convince his class that man is not free. He is a "scientist" and presumed to "know." The overwhelming impulse is to accept the truth of his surface claim and make such adjustment in our tacit view of the world as that "truth" would entail. This is true in spite of the massive disconfirmation that is daily urged on the student by the simple facts of his own necessity to deliberate and persuade--both of which presuppose that he and his fellows are somehow free to plot their own course.

When we accept a position as true, we cannot avoid also accepting (and recommending) the deep rhetoric whereby it is true. Thus, if I teach my students that rhetoric is a tool whereby he may manipulate others to his chosen course of action, I cannot escape also teaching that people are objects amenable to such handling, that individual "wants" gain some sort of sovereignty in being held, and a host of other, equally unsavory positions whose elucidation is beyond the current scope.

Taken as a whole, then, rhetoric is never simply a means to an end. It is at once the process whereby a culture regulates itself and the highest achievement of that culture. Thus a study of rhetoric ought to reveal not so much how to achieve goals in a particular society, as what goals that society deems worthy of seeking. A "rhetoric" in this sense is identified not by the actions it urges overtly, but by the axiological assumptions it establishes covertly. Thus, to speak of virtue or vice in rhetoric is not so much to speak of the desirability of the ends it seeks, (as though such desirability could be separated from the comprehensive axiology informing it) but of the coherence of the ethical system whereby a situation is rendered exigent and in the name of which remediation is urged.

Inasmuch as rhetoric always gives advice and advising is necessarily reducible to the formula "A is better than B with respect to C" in which "C" is itself out of discourse but provides the argument with its motivational force, it follows that rhetorical analysis most properly proceeds by asking for the "C" of a particular argument. This "C" will, of course, take the form of a value proposition which will itself require analysis, and so forth until the analyst discovers the "C" which is not amenable to further analysis, but which is asserted to be good in itself. When we have arrived at this point, we will have discovered the true rhetorical "substance" we seek and which we evaluate. This is the "deep rhetoric" of the discourse; it is good to the extent that it presents an image of man which is dialectically defensible and thus commensurate, we might assume, with "the way things are." It is bad to the extent that it presents a picture which is incomplete or perverted.

Such a view of rhetoric is by no means easy to implement. It is nevertheless required both practically and theoretically. Practically, it is required because, as Weaver pointed out, "what man tells himself he is manifests itself soon enough in what he can do."[24] Theoretically, it is required because as rhetoricians it is we who are presumed "to know" about matters of suasory discourse. Thus, we are the "watchers" over this critical aspect of communal life. If our culture follows a false rhetoric to dissolution, we will have no grounds to deny our responsibility.

NOTES

1. This paper is based largely on my "A Weaverian Interpretation of Richard Weaver," Ph.D. dissertation, University of Illinois, 1981. I wish to acknowledge Kenneth Andersen for his assistance in the preparation of the dissertation, and the staff development committee at Black Hills State College for financial support of this presentation.

2. B. J. Diggs, "Persuasion and Ethics," in *Contemporary Rhetoric*, ed. Douglas Ehninger (Glenview: Scott Foresman & Company, 1972), p. 139.

3. George Kennedy, *The Art of Persuasion in Greece* (Princeton: Princeton University Press, 1963), p. 2.

4. See especially Aristotle, *Rhetorica* 1355b-1-8.

5. Jean-Paul Sartre, *What is Literature*? trans. Bernard Frechtman (New York: Harper & Row, 1965), p. 41.

6. Herbert A. Wichelns, "The Literary Criticism of Oratory," in *Studies in Rhetoric and Public Speaking in Honor of James Albert Winans*, ed. A. M. Drummond (New York: Century, 1925); rprt. in *Methods of Rhetorical Criticism: A Twentieth Century* Perspective, ed. Robert L. Scott and Bernard L. Brock (New York: Harper & Row, 1972), pp. 28-60.

7. J. J. C. Smart and Bernard Williams, *Utilitarianism: For and Against* (London: Cambridge University Press, 1975), p. 4.

8. John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), p. 27.

9. Richard Weaver, *The Ethics of Rhetoric* (Chicago: Henry Regnery Company, 1953), p. 171.

10. See Kenneth Burke, *A Rhetoric of Motives* (Berkeley: University of California Press, 1969), p. 21.

11. I. A. Richards, *The Philosophy of Rhetoric* (London: Oxford University Press, 1936), p. 94.

12. Richard M. Weaver, *Visions of Order: The Cultural Crisis of Our Time* (Baton Rouge: Louisiana State University Press, 1964), p. 142.

13. Richard M. Weaver, "Agrarianism in Exile," *Sewanee Review* 58 (Autumn 1950), p. 591.

14. For the full development of this point, see Charles Follette, "A Weaverian Interpretation of Richard Weaver" (Ph.D. dissertation, University of Illinois, 1981), pp. 147-240.

15. Richard M. Weaver, "Language is Sermonic," in *Language is Sermonic: Richard M. Weaver on the Nature of Rhetoric*, ed. Richard L. Johannesen, Rennard Strickland, and Ralph T. Eubanks (Baton Rouge: Louisiana State University Press, 1970), p. 210.

16. Aristotle, *Rhetorica* 1354a10-15.

17. Lloyd F. Bitzer, "Aristotle's Enthymeme Revisited," *Quarterly Journal of Speech* 45 (December 1959), p. 408.

18. Weaver, "Language is Sermonic," p. 224.

19. Richard M. Weaver, *Ideas Have Consequences*," (Chicago: University of Chicago Press, 1948), p. 23.

20. Paul Tillich, *Dynamics of Faith* (New York: Harper & Row, 1957), pp. 10-11.

21. Ibid., p. 10.

22. Richard M. Weaver, "Reflections of Modernity," in *Life Without Prejudice and Other Essays* (Chicago: Henry Regnery Company, 1965), p. 119.

23. Maurice Natanson, "The Limits of Rhetoric," *Quarterly Journal of Speech* 21 (April 1955), p. 135.

24. Richard M. Weaver, *Visions of Order*, p. 71.

THE RAWLSIAN ARGUMENT FOR A MODEL OF DEVELOPING AN ETHIC

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By the time of its 1971 publication, John Rawls' A Theory of Justice[1] was well on its way to becoming a contemporary classic in philosophy. Starting with the 1958 article "Justice as Fairness,"[2] Rawls lectured and published articles linked directly to the book as well as circulating numerous drafts of the manuscript. The dialogue that resulted was a major factor shaping the final work. Indeed, Brian Barry argues that at times the only way to understand an argument is to recall the objection raised to which this is a reply.[3]

With its publication, Rawls spawned a mini-industry in the rather staid world of moral philosophy. Books, articles, and conferences proliferate in continuing, active response to the work. Much like Thomas Kuhn's The Structure of Scientific Revolutions,[4] this work has drawn readers from a wide range of academic areas as well as discussion in journals of opinion and the attention of the "informed" among the general public. Unfortunately, speech communication has not evinced the interest in Rawls that was accorded Kuhn or another philosopher, Stephen Toulmin.

A Theory of Justice is a book crammed with arguments--587 pages of them. This is not a book of analytic and semantic arguments so dear to the heart of too many philosophers of late. Rather it is filled with substance: with arguments about morality, about justice, about criteria for living with one another; filled with arguments drawn from economics, psychology, a range of philosophers and yet concerned with our own common-sense assumptions and convictions. All this in a book more technically and philosophically sophisticated than we can appreciate in intial readings. While it is too soon to judge, Rawls is certainly in the tradition of Locke and Rousseau and may in another century be accorded a similar place in the history of ideas.

In arguing for the potential impact of the work as a major statement of great ideological importance, Norman Daniels describes Rawls intent as follows:

> He wants to reveal the principles of justice which underlie the dominant moral and political views of our period. He wants to show that these principles can be viewed as the result of a selection procedure that all people can agree is fair (thus, 'justice as fairness'). And he wants to show that these principles describe a workable social arrangement, given everything we know from the social sciences. But, the dominant moral and political ideology of our time, reflected in these principles, is, of course, a form of liberalism. Perhaps it is a more egalitarian liberalism that dominated the

> eighteenth and nineteenth centuries, but it is a liberalism nonetheless. Rawls' goal, then, is to produce a persuasive, coherent framework for this liberalism.[5]

(One wonders how our many debaters could overlook such a current source in trying to provide the grounding for many of their debate cases. Of course, it is tough to get it all in a 150 word quote.)

Those of us in the rhetorical-argumentation tradition can find much of interest to investigate in Rawls. Tracing out the evolution of the many arguments and disputing the validity of these arguments has been the focus of philosophers. I submit, however, we have much to add to that search with a concern for the rhetorical dimensions of argument in probing a book seeking to "produce a persuasive, coherent framework...." To approach Rawls without a firm grasp of the rhetorical nature of his effort is to unduly limit the analysis which ultimately needs to be made of this work.

My own exploration of Rawls thus far is largely one of a focus upon *A Theory of Justice* as a text and as linked to the evolution of social contract theory and as part of the evolution of that branch of philosophy called moral philosophy. I have only begun to delve into the commentaries on Rawls. My particular interest in this paper is for the methodology of persuasive argumentation with an eye to what that can contribute to the development of communication ethic. As B. J. Diggs has noted, while Rawls is concerned with one major part (justice) of a total moral theory, the method could be extended to all of morality.[6]

This paper will briefly describe some major elements in Rawls method, offer a brief commentary on that method, and then conclude with a set of hopefully "provocative suggestions" of what we might use in building/testing an ethics of communication.

SOME MAJOR ELEMENTS OF METHOD

The methodology which Rawls employs is initially described in Part I. Chapter I, "Justice as Fairness" previews much of his methodology. Chapter II, "The Principles of Justice" sets forth the initial statements of his principles in lexical order while Chapter III, "The Original Position" describes the nature of this device. This device is the most striking of his rhetorical efforts and certainly has drawn the most attention and comment. Part II focuses upon the institutions of the society with particular attention to politics, the state, constitutions and the law, economics, and the duty and obligation of the individual to the society. Part III deals with ends with Rawls trying to provide a background for his theory of justice and showing its role in the lives of individuals. Actually Part III contains material essential to and requisite for much of the argument previously made.

With all the interrelations of the work and the shifting of arguments from one area to another throughout the book, it is impossible to provide even a cursory summary of arguments for many of the positions. But it is possible to provide a gloss of goals and methods without stress on the complexities of argument in support of them.

Hopefully this gloss will 1) interest you in exploration of Rawls for yourself, and 2) serve adequately for the purposes of this paper.

Initially Rawls identifies himself with the social contract approach, specifically Locke, Rousseau and Kant. He presents "a theory of justice that generalizes and carries to a higher level of abstraction the traditional conception of the social contract. The compact of society is replaced by an initial situation that incorporates certain procedural constraints on arguments designed to lead to an original agreement on principles of justice."[7] This initial situation is Rawls famous "original position."

The original position replaces the usual state of nature in social contract theory. Rawls makes use of a hypothetical contract agreed to by hypothetical people working in this "original position."

> In justice as fairness the original position of equality corresponds to the state of nature in the traditional theory of the social contract. This original position is not, of course, thought of as an actual historical state of affairs, much less as a primitive condition of culture. It is understood as a purely hypothetical situation characterized so as to lead to a certain conception of justice. Among the essential features of this situation is that no one knows his place in society, his class position or social status, nor does any one know his fortune in the distribution of natural assets and abilities, his intelligence, strength, and the like. I shall even assume that the parties do not know their conceptions of the good or their special psychological propensities. The principles of justice are chosen behind a veil of ignorance. This ensures that no one is advantaged or disadvantaged in the choice of principles by the outcome of natural chance or the contingency of social circumstances. Since all are similarly situated and no one is able to design principles to favor his particular condition, the principles of justice are the result of a fair agreement or bargain. For given the circumstances of the original position, the symmetry of everyone's relations to each other, this initial situation is fair between individuals as moral persons, that is, as rational beings with their own ends and capable, I shall assume, of a sense of justice. The original position is, one might say, the appropriate initial status quo, and thus the fundamental agreements reached in it are fair. This explains the propriety of the name "justice as fairness": it conveys the idea that the principles of justice are agreed to in an ideal situation that is fair.[8]

Some of the key features of Rawls original position may be outlined as follows:

I. Goal:
    A. Strict compliance, not a partial compliance theory.
    B. Theory all can subscribe to.
    C. A well-ordered society with principles of justice

openly recognized and lived by and where social institutions are shaped by and judged by these principles.
   D. Justice as a key goal of social systems, but not the only goal since others such as efficiency are also important.

II. Formal constraints on nature and force of agreed upon principles due to the nature of contracts:
   A. Must be stated in general terms--no proper names
   B. Universal in application.
   C. Public--publically known by all.
   D. Must impose an order on conflicting claims.
   E. Final--no other court of appeal.[9]

III. Assumptions re individuals:
   A. People start out equal in all ways. (Hence would agree to equality to and for all as a natural result unless possible for all to be better off by allowing some inequities.)
   B. Relatively strong sense of self-interest. Disinterested in other parities in the original position.
   C. Know there is a relative scarcity of goods but not to the degree that this scarcity would overrule cooperation.[10]
   D. All are rational.[11]
   E. Do not suffer from envy which might disrupt the system.
   F. Parties are willing to guarantee that once contracted all will hold to the contract and enforce it.
   G. Feel an obligation for those who will follow.
   H. Work behind a veil of ignorance. Persons do not know place in society, do not know when live, what sex, what natural assets abilities, which what intelligence, strength, etc.[12]
   I. People are assumed to have general scientific knowledge, knowledge of psychology, economics, politics, general information. Also are assumed to know various ethical approaches and views including ordinary and considered judgments which people do hold (although, again, not ones they themselves hold).

Rawls believes that the people in the original position will be able to agree on certain judgments which he defines as "justice as fairness." How to test them? Rawls argues "each person beyond a certain age and possessed of the requisite intellectual capacity develops a sense of justice under normal social circumstances. We acquire a skill in judging things to be just and unjust, and in supporting these judgments by reason. Moreover, we ordinarily have some desire to act in accord with these pronouncements and expect a similar desire on the part of others."[13] Rawls also distinguishes considered judgments, "those rendered under conditions favorable to the exercise of the sense of justice, and therefore in circumstances where the more common excuses and explanations for making a mistake do not obtain."[14]

What Rawls envisions is that people (a person) will participate in the activity of working through to a series of judgments in the hypothetical original position. These judgments will then be checked with our actual considered judgments. When testing the hypothetical principle we might well decide our considered judgment needs some modification or change. Or we might feel the principle needs some change. What Rawls envisions is a state of reflective equilibirum which eventually results "after a person has weighed various proposed conceptions and he has either revised his judgments to accord with one of them or held fast to his initial convictions (and the corresponding conception.)'[15] What this approach does is to "view a theory of justice as a guiding framework designed to focus our moral sensibilities and to put before our intuitive capacities more limited and manageable questions for judgment. The principles of judgment identify certain considerations as morally relevant and the priority rules indicate the appropriate precedence when these conflict, while the conception of the original position defines the underlying idea which is to inform our deliberations.[16]

What does Rawls believe will result from the consideration of these hypothetical persons in this original position? He concludes we will devise two principles of justice placed in a hierarchical order. These principles are stated in various ways but may be properly represented as follows:

> First: Each person is to have an equal right to the most extensive basic liberty for others.
> Second: social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all.
>
> The basic liberties of citizens are, roughly speaking, political liberty (the right to vote and to be eligible for public office) together with freedom of speech and assembly; liberty of conscience and freedom of thought; freedom of the person along with the right to hold (personal) property; and freedom from arbitrary arrest and seizure as defined by the concept of the rule of law. These liberties are all required to be equal by the first principle, since citizens of a just society are to have the same basic rights.[17]
>
> Principle two is initially stated on page 60 as:
>
> social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, (b) attached to positions and offices open to all.

But this eventually is modified on page 83 to read,

> Social and economic inequalities are to be arranged so that they are both (a) to the greatest benefit of the least advantaged and (b) attached to offices and positions open to all under conditions of fair equality of opportunity.

Page 302 adds the language "consistent with the just savings principles" to part (a). Priorities are also designated between the two principles and within principle 2.

> The principles of justice are to be ranked in lexical order and therefore liberty can be restricted only for the sake of liberty. There are two cases: (a) a less extensive liberty must strengthen the total system of liberty shared by all, and (b) a less than equal liberty must be acceptable to those citizens with the lesser liberty."(p.250)
>
> Second Priority Rule (the priority of justice over efficiency and welfare): The second principle of justice is lexically prior to the principle of efficiency and to that of maximizing the sum of adavantages; and fair opportunity is prior to the difference principle. There are two cases: (a) an inequality of opportunity; (b) an excessive rate of saving must on balance mitigate the burden of those bearing this hardship." (pp. 302-303).

Rawls continues to argue for and to rework the principle of justice and the arguments in support of them throughout the work.

Although Rawls wishes to determine right before he addresses the good and assumes that people do not know their own conception of good, he is nevertheless forced to develop a theory of the good in order for the people in the original position to have a basis from which to work. He distinguishes this as a "thin" theory of the good and argues that with the principles of justice a more elaborate or "thick" theory of the good can be evolved. Rawls notes, "The index of well-being and the expectations of representative men are specified in terms of primary goods. Rational individuals, whatever else they want, desire certain things as prerequisites for carrying out their plans of life. Other things equal, they prefer a wider to a narrower liberty and opportunity, and a greater rather than a smaller share of wealth and income. That these things are good seems clear enough. But I have also said that self-respect and a sure confidence in the sense of one's own worth is perhaps the most important primary good."[18]

Rawls proceeds to a discussion of the nature of individual life plans. He argues that the good for each rational person is a good life plan.

> The definition of the good is purely formal. It simply states that a person's good is determined by the rational plan of life that he would choose with deliberative rationality from the maximal class of plans. Although the notion of deliberative rationality and the principles of rational choice rely upon concepts of considerable complexity, we still cannot derive from the definition of rational plans alone what sorts of ends these plans are likely to encourage. In order to draw conclusions about these ends, it is necessary to take note of certain facts.
>
> First of all, there are the broad features of human desires and needs, their relative urgency and cycles of recurrence, and their phases of development as affected by physiological and other circumstances. Second, plans must fit the

> requirements of human capacities and abilities, their trends of maturation and growth, and how they are best trained and educated for this or that purpose. Moreover, I shall postulate a basic principle of motivation which I shall refer to as the Aristotelian Principle. Finally, the general facts of social interdependency must be reckoned with. The basic structure of society is bound to encourage and support certain kinds of plans more than others by rewarding its members for contributing to the common good in ways consistent with justice. Taking account of these contingencies narrows down the alternative plans so that the problem of decision becomes, in some cases anyway, reasonably definite.[19]

The Aristotelian Principle which Rawls develops is a variant of Aristotle's notion that happiness lies in activity and greater happiness in the activity of using the highest (most complex) faculties or skills of the individual. Similarly Rawls argues that we want to do more of those things we do well and that we will prefer the more complex and intricate of those things we do well. It is a kind of perfectist teleotogical principle.[20]

CRITICISMS OF RAWLS

The plethora of books, articles, and presentations revolving around Rawls have not been paroxysms of praise. Even authors who in general comment favorably upon Rawls include critical evaluations on many items.[21] Summary of all the lines of attack is beyond my ability as well as of limited interest in terms of drawing provocative ideas from Rawls relative to the means of deriving and testing communication ethics. However, certain key areas of attack should be noted.

Wolff devotes his book Understanding Rawls, to developing the thesis that A Theory of Justice is not a single piece of philosophical argumentation, but "a complex, many layered record of at least twenty years of philosophical growth and development."[22] Wolfe sees Rawls as moving from an initial brilliant idea of moving beyond utilitarianism and intuitionism by a variation on social contract theory ala Rousseau. Unfortunately, the solution did not quite work so he moved through two more much-altered models. Wolff argues such a reconstruction helps us "to understand a number of elements in the final theory whose presence and precise role are otherwise simply baffling."[23]

Rawls' original position has come under the greatest fire in terms of total comment. Numerous objections have been lodged to almost every facet of it. Dworkin, for example, asks why we should see the choices of those in the original position as binding or constraining or justifying our adopting them.[24] But more importantly he goes on to argue as many critics have that the "deep" theory which is presupposed in the original position is what gives it the justificatory role. And he argues only right-based theories are compatible with contract theory--thus the very process excludes other possibilities based on other "deep" theories.

Although Rawls himself tries to make the original position serve his goals, we noted in the previous section he was forced to adopt a thin theory of the good. And he is forced to a variety of psychological and philosophical assumptions about humans and human nature that have a rather ad hoc flavor. He counters an argument by adopting a new procedure or a new constraint to eliminate the old argument. For example, he introduces the notion of chain connection, if benefit person worst off will benefit all better off, and close-knittedness, if one person loses we all lose. These claims are admitted in passing to be dubious: "Of course, these conditions may not hold."[25] Yet, we go on to assume a trickle-down or trickle-up theory without a demonstration that this actually holds for groups in the society, although Rawls assumes that they generally do and if not we will be worried about the least well off anyway. And we pass on.

The sense of the degree to which presuppostiions bind and blind Rawls can be identified throughout the book. Rawls goes to some length to argue why we need to offer the least advantaged representative person a reason to stay with a "well-ordered society," but does not offer a reason why the very well-endowed should do so. Rawls argues that we should compensate for negative social circumstances but also raises the issue of whether we ought not also to correct for natural imbalances in talent, strength, intellect. Others committed to merit ask, "Why should we compensate?" Rawls argues equality is central. Nozik argues why not prefer inequality over equality.[26]

One other key feature of Rawls' critics is the concern for the level of abstraction at which Rawls functions. People in the original position became so removed from reality that it is difficult to know how they would function. In what becomes a game-theory bargaining situation we are forced to consider what we might agree upon about organizing society. But we do so removed from the normal range of bargaining cases. In fact we are so removed that one wonders how meaningful it is to use the notion of bargaining. And efforts to apply these principles in real-life seem to demand too much interpretation and accommodation to see oursleves as "bound by them."

Many have raised the question of whether the original position is necessary. Could we not begin with our more ordinary judgments and considered judgments and by working through a variety of processes and employing various criteria come up with test leading us to a personal and ideal morality without all this apparatus?

Much of the argumentation has focused upon the economic arguments and analysis of the book and the highly technical arguments made therein. Distributive principles are obviously key to Rawls. Yet as many note, he spends almost no time on issues of "production."

SUGGESTIVENESS OF RAWLS FOR WORK ON COMMUNICATION ETHICS

In such a prolix book, teeming with ideas and arguments, it is not difficult to find a variety of passeges and procedures which if isolated and lifted from context would be highly suggestive for building/testing a communication ethic. Inevitably a user does some of this but I hope to identify some central strands of Rawls that are not pulled too thin in the process.

Certainly a key place to begin is the concern with the social contract. With the nature of communication, the notion of jointness and groupness and sharing rules must be a starting point for any communication ethic. Certainly the accompanying emphasis upon the priority of basic rights such as freedom of speech, participation in process, choice seems an even more central and prior condition for communication than for all the institutions of a society. Rawls is concerned with how we apportion rights and duties, benefits and burdens. That becomes a key issue in evaluating various roles in communication. Indeed, if as noted above the right of each individual to equal concern and to respect is a presupposition and not a result of the analysis, that is basic to many approaches in communication.[27] Sammons in commenting upon applicability of Rawls to access to learning noted that Rawls affirms the "egalitarian ideal of the equality of individuals, but ... also describes a social arrangement that utilizes an open-market economy."[28] Rawls stresses the role of self-respect and confidence in self despite social inequalities. Notions of equal access and "positions open to all" with "affirmative action" for those who may be disenfranchised by arbitrary factors is also salient.

Rawls is also helpful in retrieving moral philosophy from philosophers. He notes we all make moral judgments; we develop a sense of justice, we come to hold considered judgements. Rawls sees the task as one of working from these ordinary moral judgments to identify basic moral principles. We need to test our principles, show up inconsistencies, and resolve them. We are not working to justify our judgments to others as much as we are trying to explain our own sense of judgment. Once understood clearly we may be able to say something to others. This method is a starting point for us as individuals in working to a considered ethic.

Rawls also stresses the notion of rationality. He identifies the good not with our desires but with a procedure by which we work rationally to establish life plans and to assay them. He understands we have needs and desires but does not identify the good with the satisfaction of these in a direct sense. Rather it is the working through and developing a measure of what needs to serve and how to serve them in terms of a rational plan that is the good. And he notes we draw upon others as well as forces around us in both gathering and assaying these plans. Here is a central function and responsibility of communication.

Rawls helps us to come to terms with the individual as individual yet as member of the group. Rawls places stress upon the roles we play and the "classes" in which we may be categorized. He notes the variety of goods and allows each of us to seek our own within the limits of ensuring the rights of all while thrusting upon us the reality that our good can only be accomplished in the context of social institutions and the goods of other individuals. Rawls in no sense says that "anything goes."

Finally, many specific arguments and concepts may prove useful. Such concepts as chain-connection and close-knittedness may not apply to distribution of all goods but they have great implications for communication and may be found to have greater applicability. Similarly, Rawls' version of the Aristotelian principle may have relevance to much of communication, perhaps even more so than to life plans in general.

Perhaps most important in all of this is not the methodology and the arguments in the book, but Rawls as examplar. Here is a man who has published one book and several articles, all related to the development of his position. Here is a man who has absorbed the past, come up with an innovative idea which may or may not have worked, and then has engaged in dialogue and exchange with people pre and post publication now for more than 20 years. If we are to develop a comprehensive coherent ethic or communication, some of us had best be about our work, gladly following this Rawlsian method, whatever we may take from his *A Theory of Justice*.

ENDNOTES

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[1] John Rawls, A Theory of Justice (Cambridge: The Belknap Press of Harvard University Press, 1971).

[2] John Rawls, "Justice as Fairness," The Philosophical Review, 57 (1958), 164-194.

[3] Brian Barry, The Liberal Theory of Justice (Oxford: Clarendon Press, 1973), p. 2.

[4] Thomas S. Kuhn, The Structure of Scientific Revolutions, 2nd ed., Enlarged. (Chicago: The University of Chicago Press, 1970).

[5] Norman Daniels, "Introduction," Reading Rawls: Critical STudies on Rawls' A Theory of Justice, ed. by Normal Daniels (New York: Basic Books, Inc., 1974), p. xiv.

[6] B. J. Diggs, lecture in Philosophy 320, "Recent Developments in Ethics," Fall, 1980.

[7] Rawls, A Theory of Justice, p. 3 (hereafter all references to Rawls are to this work.)

[8] Rawls, p. 12.

[9] Rawls, pp. 131-134.

[10] Rawls, p.128.

[11] Rawls, p. 142-150.

[12] Rawls, pp. 136-142.

[13] Rawls, pp. 46.

[14] Rawls, pp. 47-48.

[15] Rawls, pp. 48.

[16] Rawls, p. 53.

[17] Rawls, pp. 60-61.

[18] Rawls, p. 396

[19] Rawls, pp. 424-425.

[20] Rawls, pp. 426-433.

[21] See the collection of essays in John Rawls Theory of Social Justice: An Introduction edited by H. Gene Blocker and Elizabeth H. Smith (Athens: Ohio University Press, 1980).

[22] Robert Paul Wolff, Understanding Rawls: A Reconstruction and Critique of A Theory of Justice. (Princeton: Princeton University Press, 1977), p. 4.

[23] Ibid. p. 5.

[24] Ronald Dworkin, "The Original Position" in Reading Rawls, pp. 16-53.

[25] Rawls, p. 80.

[26] Robert Nozick, Anarchy, State and Utopia (New York: Basic Books, Inc., 1974).

[27] See Chapters 1 and 2 and 15 in Kenneth E. Andersen Persuasion Theory and Practice, 2nd ed. (Boston: Allyn and Bacon, 1978).

[28] Morris Jay Sammons, "Egalitarian Justice and the Fair Distribution of Knowledge," Ph.D. diss. University of Illinois 1976 p. 31.

DEBATING VALUE PROPOSITIONS: A GAME FOR DIALECTICIANS

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It has been a long time since I have felt a need for or an interest in publishing anything that directly pertains to the theory and practice of intercollegiate debate. Seventeen years to be exact. At the 1964 Western Speech Association convention, I presented a paper in which I recommended that intercollegiate debate be revised in such a way that debaters would be directed to search for and to use the relevant values in a case.[1] I mention this paper for two reasons. First, it indicates my interest in and support for argument involving values at an early date. Second, and more important, it indicates the negative consequences that can arise when someone who is not an accepted member of the forensics community makes a critical comment on the activity. Over the years, I have been told by friends who are accepted by the forensics community that I am considered a benighted benefactor, a person who may know something about argument but nothing about intercollegiate debate.

I am happy with the acknowledgment of my knowledge about argument, but I hope that the position in this paper will not only recommend itself to members of the forensics community, but also convince them that my concern is with, not against, them and the activity they promote. My position is that debating value propositions is an inappropriate contest event, because value propositions are inherently dialectical rather than rhetorical, and, as Perelman observes: "Only philosophical arguments can lead to a disqualification of a philosophical position."[2] My assumption, along with such writers as Ehninger and Brockriede,[3] Rieke and Sillars,[4] Mills,[5] and Sproule,[6] is that debate is not dialectic.

In pursuit of this thesis, I will undertake to put the renewed interest in arguing about values in historical context, propose a useful concept of values, examine the ways in which value positions are resolved in the "real world," clarify the distinction between dialectic and rhetoric, review the recent attempts to establish a paradigm for debating value propositions, and comment on appropriate means of educating students to the nature and functions of values in argumentation.

The renewed interest in values in argumentation is part of a historic revolution in intellectual thought--the reaction against inherited conceptions of knowledge that deny a rational status for values. The move to transcend logical positivism marks the work of Toulmin[7] and Perelman,[8] informs the attempts to formulate knowledge rhetorically,[9] undergirds the "good reasons" project,[10] and provides the foundation for proposals of paradigms for debating value propositions. Although the force of this movement is revolutionary in our time, it is consonant with a motive indigenous to the tradition of rhetorical philosophy.

From the beginning, those who have set forth philosophies of rhetoric have done so with an imperative ethic in mind: to so conceive of rhetoric that communication will evince humankind's highest qualities, that human discourse will be elevated and thereby human life made more humane. Plato wanted a rhetoric to promote truth and right living, discourse that would implant sobriety and a sense of justice in the body politic. Aristotle conceived rhetoric in such a way as to advance reason, making "proofs" the instrument of persuasion. Bacon, whose rhetoric was revolutionary in his own time, sought a view of rhetoric that made reason the controlling factor in communication. I. A. Richards wanted to eliminate misunderstanding in the world. Perelman seeks to infuse discourse with reason and stimulate people to live in justice with one another. And Burke would have people strive for identification with others, to employ symbolic means to resolve their differences. Throughout this tradition, however, rhetoric has not been conceived as an appropriate means of determining or settling values. This task has been assigned to dialectic--insofar as discourse can serve these functions. Rhetoric deals with values in context of proposed actions, as they are embedded in decisions regarding human conduct.

One may take exception to this characterization of rhetoric, citing epideictic as an example of a rhetorical genre not concerned with action. To offset such an objection, I would cite Perelman, who holds that the significance and importance of epideictic lies in its power to strengthen the "disposition toward action by increasing adherence to the values it lauds.[11] It is possible that someone might choose epideictic as the basis for a paradigm for debating value propositions. After all, epideictic is the prototypical rhetorical form for advancing value claims _per se_. Yet, I doubt that anyone will make this move, because epideictic does not lend itself well to a forensic contest, a debate between competing values. Epideictic discourse seeks a celebration of a community's values rather than a war of words. To base debating value propositions on the model of epideictic would be to encourage the kind of speaking "which immediately evokes literature," the kind of rhetoric "that might be compared to the libretto of a cantata...." It is the sort of discourse, according to Perelman, "which is most in danger of turning into declamation, of becoming rhetoric in the usual and pejorative sense of the word."[12] In short, to ground debating value propositions on epideictic would be to make it a game for sophists.

Just what sort of thing is a value? I have no quarrel with the prevailing view, which is well expressed by Karl Wallace. He conceived of values as conceptions of the "good," which are characteristically expressed in terms of "the desirable, the obligatory, and the admirable or praiseworthy, and their opposites." And I heartily endorse his statement (except for the sexist language) that "the art of rhetoric encounters moral principles in particular situations, in specific cases in which man in his social and political roles must make up his mind and act in concert, or be ready to act in concert."[13] I also have no quarrel with Rokeach's notion that values are a type of belief, that they concern modes of conduct or end-states, that they are personal and social, that they can be instrumental or terminal, and that they are relatively stable and enduring.[14]

The point to be stressed about values is that they are not "existence beliefs," that is, they are not about the truth or falsity of things. They can be justified or confirmed but they cannot be verified by examining acts, deeds, events, objects, or living entities in the same way that facts can. They are attributed meanings which are or are not in agreement among a community of knowers. They are on the order of perceptual beliefs. As such, they are "primitive" and not susceptible to change by ordinary uses of language, including argumentation. Persuasion usually occurs in the "real world" when a proposition or a proposal is symbolically defined in terms of values held to be salient by an audience. In such cases, values are not changed, they are capitalized upon. The exception to this rule is discourse designed to generate ideological conversion, as in evangelical preaching, which takes the form of exhortation rather than argument.

While values are not about the truth or falsity of things, they are held by people as though they were. For a liberal, for instance, the belief that the government has a responsibility to help poor people is as true as the fact that poor people exist. Values are held to be true by virtue of pragmatic confirmation by significant others and experience, which are the ultimate tests of facts, except that there are generally agreed upon criteria for the testing of facts. The difference between liberals and conservatives is not the existence of facts so much as the values by which they should be interpreted. Like facts, values are components of personal and social knowledge. It is possible to argue with and to persuade one another in matters of human interpretation and action, which are inherently value-laden, because (1) persons can be induced to perceive the relevance and the appropriateness of certain of their values in a particular case where they have not seen them before; (2) persons hold conflicting values, different ones of which can become salient in a given decision situation; (3) persons hold some values with less intensity than others; and (4) persons can deal with facts related to interpretations and actions and avoid controversy on values in and of themselves. In the language of Sillars and Ganer, who rely on the work of Rescher: "Because values appear in systems which are adapted to the subject matter and context of the argumentation as well as to both the society and the individual, they will most often be adapted through 'distribution,' 'rescaling,' 'redeployment,' and 'restandardization.'"[15]

To engage in a dispute over values per se is to argue about the ontological truth of things. Such disputes are the province of philosophy or theology. If persons representing rival value positions, say a militarist and a pacifist, or a Marxist and a Christian, or a logical positivist and a relativist, choose to argue, they cannot do so usefully unless they forego their ideologies and discuss direct experiences in the world, and even here there are often insuperable obstacles to meaningful dialogue.

So, how do value positions get resolved in the "real world"? There are three ways that I see. First, they are settled by executive decision. We have a good example of this way in the shift of attitudes on the government's human rights policy from the Carter administration to that of Reagan. However much discussion there might have been in determining these positions, it is clear that the value orientation of the President prevailed. Second, value positions are settled by legislative bodies by majority vote on practical questions. Morals are not legislated, but acts that embody them are. As the acts require a way of living, a direct experience of values, they can eventuate in value change. So long as the acts are not viewed as challenging ultimate commitments, the legislative body goes on. It is able to continue because it entails values that transcend those in the particular case. Third, value positions are handled by "log-rolling" or compromise. This was the way in which the United States maintained the Union up to the Civil War. The questions of the nature of slaves, whether property or persons, and the Constitution, whether compact or contract, were avoided until then. In the debate over compromise in 1860-61, they became paramount and disruption followed.

Further exploration of this example should deepen our understanding of value dispute and also clarify the difference between dialectic and rhetoric. The crucial issues in the Senate debate over John J. Crittenden's compromise resolutions, which were the only ones that could have led to peaceful settlement of sectional differences, were the right of secession and the extension of slavery into the territories. On the first issue, the South argued that the Constitution was a compact among sovereign states which could be dissolved for just cause. Just cause existed; therefore, they could dissolve the Constitution and secede. The North countered with a rejection of the major premise, arguing that the Constitution is a contract which is not dissolvable except by consent of all citizens who are party to it. Thus, neither side could persuade the other.

The same is true on the second issue. The South argued that the Constitution guarantees citizens the right to take their property into all the States and the territories. Slaves are property; therefore, slaves may be taken into the territories. The North refuted this argument by denying the minor premise; they held that slaves are persons. What is shown in this dispute is that when rhetoric was called upon to resolve the most vital issues in the history of the Union, it failed.

The reasons for its failure are instructive in regard to our interest in debating value propositions. Rhetoric and its ally, compromise, are "not meant to explore and to establish what is the good, the true, and the just as abstract conceptions, but to reach and implement decisions which reflect such value considerations."16 The propositions that the Constitution is a compact and slaves are property, and that the Constitution is a contract and slaves are persons are dialectical. They were, in fact, respectively the first principles of rival ideologies, South and North. "They reflect questions of definition--at once philosophic and moral. As such, they are amenable to dialectic discussion; they are not appropriate to compromise." Rhetoric failed in 1860-61 because compromise "is a rhetorical activity which thrives on expediency in its search for practical proposals; it is not a dialectical activity which thrives on dispassionate, reasoned discourse in a search for philosophical and moral truths."17

Dialectic is a process for determination of truth and knowledge, and a particular mode of reasoning. As Aristotle observed: dialectic is "a line of inquiry whereby we shall be able to reason from opinions that are generally accepted about every problem propounded to us, and also shall ourselves, when standing up to an argument, avoid saying anything that will obstruct us."18 The problems explored in dialectical inquiry are ethics, logic, and natural philosophy. The reasoning is from "opinions that are generally accepted," those opinions "accepted by every one or by a majority or by the philosophers--i.e. by all, or by the majority, or by the most notable and illustrious of them."19 Dialectical reasoning is to be distinguished from "contentious reasoning," which "starts from opinions that seem to be generally accepted, but are not really such, or again if it merely seems to reason from opinions that seem to be generally accepted, but are not really such, or again if it merely seems to reason from opinions that are or seem to be generally accepted."20 Clearly, dialectical and rhetorical activity and reasoning are not the same. Wilbur Samuel Howell summarizes the differences: "dialectic is the art of invention in disputes upon alternative beliefs before audiences so constituted by training and temperament as to respond to an appeal to reason alone, while rhetoric is the art of invention in disputes upon alternative policies or actions before audiences which respond when their emotions and moral sentiments, as well as their reason, are brought into harmonius relation."[21] It should be noted that the natural form of dialectical inquiry is not formalized debate but dialogue. I shall have more to say on this point later.

Turning now to debating value propositions as an academic contest event, one would have to begin by observing that it is neither dialectical nor rhetorical in conception or conduct. An examination of the literature supports this view. Zeuscher and Hill, for instance, state: "a perplexing problem faces debate judges: determining a paradigm by which value debates can be judged and a winner determined."[22] Two high school coaches plaintively plead: "there can be no debate where there is no structure, and there can be no structure for argument where there are no stock issues. What may be needed is a structure of ethical stock issues which can be presented, extended, can draw fire and be decided upon."[23] The advent of debating value propositions has created havoc not only in regard to stock issues, but also in respect to the concepts of presumption, burden of proof, topicality, and judging criteria. At least two authors have argued against the event, Thomas Kane[24] and Bernard L. Brock.[25]

The solutions recommended to solve the problems of debating value propositions range from theoretical reformulations of the logic underlying forensic debate to atheoretical suggestions on how to handle specific speeches and arguments. The most ambitious proposal is that of Zarefsky, who argues for a "hypothesis-testing" theory of academic debate and a revised notion of presumption.[26] His proposal would replace the theory that academic debate follows a legislative paradigm. Confusion over the underlying logic of academic debate is, of course, not new. On the one hand, it was and is reasonable to think about traditional debate over policy propositions in legislative terms;[27] on the other hand, it was and is reasonable to conceive of traditional debate in legal terms. The legal metaphor was especially apt when heavy emphasis was put on inherency and all arguments were treated as though they were factual. This emphasis led Marsh to write about academic debate as a game for conservative players.[28] When the paradigm shifted to comparative advantages, one could have argued easily that it was a game for liberal players. By proposing that debating value propositions is a process of hypothesis-testing and delineating criteria appropriate to such debates, Zarefsky brings the event as close to dialectic as it can be.[29] The effect of Zarefsky's position is to make the logic of debating value propositions consonant with the reasoning in dialectic, but to deny the form of dialectic as inquiry and its end-product the ascertainment of the truth of a matter. The format and outcome of such debates remains rhetorical. There are no outside judges or individual winners in dialectic. The best that can be said, then, is that debating value propositions is a mixed genre.

One of the most interesting aspects of the solutions proposed to solve the problems of debating value propositions concerns procedures. One suggestion is that "If rules are established, they would have to evolve from the situation, namely, tournament debate rounds."[30] Matlon finds support for this view in Trapp's argument that "rules are not necessary in order to have productive argumentation."[31] Trapp would have theorists look to rhetoric, science, and philosophy to determine the "guidelines" for debating propositions of judgment. But this, of course, is exactly what Zarefsky has done, and the result is a set of rules to govern analysis, argument, and judging in value debates. The position of Matlon and Trapp on rules in debate is bothersome on two counts, theoretical and educational. First, however the game of debate is conceived, it is a rule-governed activity. Second, the game is constituted by rules, rules of analysis, argument, and presentation. The quality of forensic education depends in large measure on how well the rules are chosen to make up the debate game and the standards by which it is evaluated.

Trapp apparently found support for the idea that it is all right to promote a forensic event without a paradigm from the report of the National Developmental Conference on Forensics, where it was stated that "practice often precedes theory ...."[32] This is certainly true in the "real world" and it happened in the move from a legalistic to a legislative model of academic debate. Nowhere in the literature, however, do I read any argument or evidence that students gained a sound education in the process. The notion that forensics is a laboratory has merit, but, not in my judgment, if students are used as guinea pigs while coaches try to discover what they should be teaching.

The most extreme position on debate procedures that I found was expressed by Mark Arnold. He opined that "debate is an intellectual game which employs speech communication merely as a matter of convenience." "The purpose of the game," he went on to state, "is to discover which team can out-think the other."[33] And it should be noted that one of his teams won the 1974 National Debate Tournament. The model for this approach, I assume, is eristic. There is no educational theory behind it, only the acquisition of ways to win.

A number of authors, responding to the need for a paradigm for debating values, have proposed useful conceptions of propositions, presumption, and issues. The transition in thinking about differences among propositions of fact, value, and policy may be traced through Miller's "Questions of Fact and Value: Another Look,"[34] Terris' "The Classification of the Argumentative Proposition,"[35] and Ziegelmueller and

Dause's book, Argumentation: Inquiry and Advocacy.[36] More recent work appears in papers by Warnick,[37] Vasilius,[38] and Young.[39] Warnick and Vasilius[40] also have written on presumption, adding to or supporting Zarefsky's view, which I mentioned earlier. Most attention has been given to issues. Hollihan, for instance, outlines six criteria appropriate to value debate. Warnick lists five issues.[41] Matlon,[42] Karras and Veitch,[43] and Frank, who relates issues to modes of proof,[44] suggest three basic questions. Vasilius details an elaborate scheme for the conduct of the entire debate.[45]

What is remarkable about these proposals is that none is grounded on a coherent conception of dialectic or rhetoric. One might expect such a grounding given the nature of debate. One might expect it given the view of Wayne Brockriede, who has contributed as much as any author to the theory of debate. He holds that forensics cannot be restricted to "any single skill but the total process of people communicating arguments, a process that requires both dialectical and rhetorical dimensions."[46] One might expect it given the central conclusion of the National Developmental Conference on Forensics--that "Forensics education ... is education in the comparative communication of arguments."[47] And one might expect it given the observation that "Most directors of forensics seem primarily interested in training students in dialectic rather than rhetoric."[48]

The principal sources relied upon for building a value debate paradigm are Perelman, Toulmin, Wallace, and Booth. It is significant that these authors are concerned about values in rhetorical discourse, not dialectic. Their concern is human conduct, that sphere of experience where decision is problematic and the most that can be hoped for is "practical wisdom."[49] To make academic debate a dialectical activity and be consistent with Perelman's views, it would have to be conceived as addressed to a "universal audience." He writes: "Philosophic discourse aims for the approval of a privileged audience, composed of all normal and competent persons whom the philosopher addresses."[50] There would be no room in such a model for such strategems as the "spread" and the "squirrel case." To build a paradigm based on Toulmin's writings, one would have to recognize its field--ethical reasoning--and that when it relates to public rather than personal decision making, it involves rational assessment of practical consequences. "In balancing off the different kinds of consequences that will flow from one social decision or another," he writes, "we are obliged to pay better attention to 'economic impact,' 'environmental impact,' 'social impact,' and all the rest."[51] Such a model is rhetorical, just as one would be if it were founded on Wallace's conception of good reasons. He does not separate considerations of the good from public affairs. As noted earlier, he ties them inextricably to "specific cases in which man in his social and political roles must make up his mind and act in concert, or be ready to act in concert."[52] It is difficult to imagine anyone basing a theory of academic debate on Booth's view of rhetoric. His concept suggests dialogic communication rather than a dialectic or a rhetoric whose principal feature is argument. "The supreme purpose of persuasion," he writes, "could not be to talk someone else into a preconceived view; rather it must be to engage in mutual inquiry or exploration."[53] Regardless of which of these authors one might rely upon, one would still need a coherent logic of value debates, including the nature of ethical propositions, presumption, burden of proof, and issues; otherwise, the event will remain as it is--theoretically and educationally unstable.

Evidence of its instability appears not only in the theoretical literature, it also arises in empirical investigation. The findings of one study led Thompson and others to conclude that "Whether CEDA debate is training in rational communication or in dialectic encounter is basic to practical questions pertaining to case construction, conduct during a round, and judging."[54] Norton found in a survey that judges of CEDA debate were largely uninfluenced by argumentation literature on debating value propositions. On a question asking judges to indicate the basis of their decisions: 10 marked delivery skills, 3 noted NDT criteria, 6 specified criteria argued in a round, and 15 marked value vs. value objections.[55] One author, Jones,[56] has suggested that the criterial questions I outlined in "Toward a Logic of Good Reasons"[57] could be used as the basis for evaluating value debates. I am pleased that someone read the article, but the logic of good reasons is not designed for contest debate evaluation. Like Perelman, Toulmin, Wallace, and Booth, my concern is the use and assessment of values by individuals engaged in rhetorical transactions, where decision determines right conduct in practical affairs.

On the other hand, I would hope that the logic of good reasons would be one of the means by which students could be educated to the nature and functions of values in argumentation. Other means, in regard to reading assignments, are suggested by the books and articles I have cited--in particular, the work of Perelman, Toulmin, Wallace, Booth, and Wenzel, whose article, "Toward a Rationale for Value-Centered Argument," I have not mentioned until now.[58] Another useful piece is Gronbeck's "From 'Is' to 'Ought': Alternative Strategies."[59] Such readings should lead the student to an awareness that whenever people communicate with other people, values are involved and there are ways of critically assessing them. This knowledge should inform every aspect of their communication behavior.

The most general observation I would make is that it is probably a mistake to have students argue about values *per se*, either in the classroom or in tournament debate, to try to make of them dialecticians or appellate lawyers. I mention appellate lawyers because when they are not arguing procedural matters, their mode of reasoning is close to that of dialectic. That mode is definitional, concerning the meaning or interpretation of a law. Argument on ethical propositions is also definitional. The question is: who is to judge one definition as being better than another, and by what criteria. The answer to this question is clear in the legal setting. It is not so in the classroom or tournament setting. Good debate teams can come up with equally logical cases--the only difference between them being their value orientations. This is what happened in the 1860-61 Senate debate on compromise.

Before concluding this paper, I should make it clear that I have no objection to students debating values in the context of relevant facts. The traditional way to do this in intercollegiate forensics is through debating policy propositions--this is, in my judgment, the proper way to do it. The key point is that values and facts are conjoined in the actual experience of the world; when they are related to one another inferentially, they form good reasons for acting well in respect to personal and public problems. It is as sophistical or eristical to debate propositions of fact out of context as it is to debate value propositions in themselves--if the intent of the activity is to offer students practical and effective equipment for living in the real world. Propositions of policy are, as is well recognized, combinations of questions of value and fact. Implied in policy questions are necessary considerations of the way things are, of what agency or agencies, if any, are responsible in the case, and of what appropriate, desirable form proposed action should take.

Debate on policy propositions involves recommendation and assessment of future action and the stress is on facts justifying such action; the move is from problem to solution. If policy propositions were oriented toward debating the wisdom of past actions, the emphasis would be on values; the move would be from the solution to the problem that prompted it. The focus of such debate would be the advancement or detriment of values as seen in the practical consequences of action taken. In either case, whether debating future or past policy, facts would not be isolated from value considerations and values would not be argued about without concern for factual impact. To conceive of value debating in terms of past policy would go a long way toward resolving some of the current difficulties in formulating useful propositions, in settling matters of presumption and burden of proof, in establishing stock issues, and in devising criteria for debate evaluation.

If the exploration of values is thought to be a useful exercise in dialectic, then an event should be invented that is consistent with dialectic as inquiry. Booth's view of rhetoric is relevant here. The goal of such an activity would be to display rigorous reasoning in search of consensus rather than a competition to determine whose mind is better than another's. The characteristics of the activity are suggested by Campbell and Stewart in a paper titled "Rhetoric, Philosophy, and Conversation."[60] Its name would be dialogue. If debating value propositions is retained as an intercollegiate event, it should be conducted before audiences who decide the "winners" or it should be construed in such a way that the values are considered in regard to their impact on the pragmatic matters of living the good life in the everyday world of ordinary experience. However it is conceived, debating value propositions should have a compelling rationale for its conduct and assessment.

Endnotes

[1] This paper was revised and later published. See: Walter R. Fisher, "Advisory Rhetoric: Implications for Forensic Debate," Western Speech, 29 (Spring 1965), 114-119.

[2] Ch. Perelman, "Disagreement and Rationality" in The New Rhetoric and the Humanities: Essays on Rhetoric and its Applications (Dordrecht: Holland/Boston: U.S.A./London: England: D. Reidel Publishing Company, 1979), p. 116.

[3] Douglas Ehninger and Wayne Brockriede, Decision by Debate (New York, Toronto: Dodd, Mead and Company, 1963), pp. 8-9.

[4] Richard D. Rieke and Malcolm O. Sillars, Argumentation and the Decision Making Process (New York, London, Sydney, Toronto: John Wiley and Sons, Inc., 1975), p. 11.

[5] Glen E. Mills, Reason in Controversy: An Introduction to General Argumentation (Boston: Allyn and Bacon, Inc., 1964), pp. 5-6.

[6] J. Michael Sproule, Argument: Language and Its Influence (New York, et al.: McGraw-Hill Book Company, 1980), pp. 6-7. See also: Joseph W. Wenzel, "Perspectives on Argument" in Proceedings of the Summer Conference on Argumentation, Jack Rhodes and Sara Newell, eds., (Falls Church, Va.: Speech Communication Association, 1980), pp. 112-133.

[7] See especially: Stephen Edelston Toulmin, The Uses of Argument (London and New York: Cambridge University Press, 1958) and Stephen Toulmin, Richard Rieke, and Allan Janik, An Introduction to Reasoning (New York: Macmillan Publishing Co., Inc. and London: Collier Macmillan Publishers, 1979).

[8] See especially, Ch. Perelman and L. Olbrechts-Tyteca, The New Rhetoric: A Treatise on Argumentation, trans. by John Wilkinson and Purcell Weaver (Notre Dame and London: University of Notre Dame Press).

[9] See: Robert L. Scott, "On Viewing Rhetoric as Epistemic," Central States Speech Journal, XVIII (February 1967), 9-17 and "On Viewing Rhetoric as Epistemic: Ten years Later," Central States Speech Journal, XXVII (Winter 1976), 258-266; Thomas B. Farrell, "Knowledge, Consensus, and Rhetorical Theory," The Quarterly Journal of Speech, 62 (February 1976), 1-14; Walter M. Carleton, "What is Rhetorical Knowledge? A Response to Farrell--And More," The Quarterly Journal of Speech, 64 (October 1978), 313-328; In the same issue, Thomas B. Farrell,

"Social Knowledge II," 329-334; Lloyd F. Bitzer, "Rhetoric and Public Knowledge," in *Rhetoric, Philosophy, and Literature: An Exploration*, Don M. Burks, ed., (West Lafayette, Indiana: Purdue University Press, 1978), pp. 67-93; Richard Cherwitz, "Rhetoric as a 'Way of Knowing': An Attenuation of the Epistemological Claims of the 'New Rhetoric,'" *The Southern Speech Journal*, XLII (Spring 1977), 207-219; Michael Polanyi, *Personal Knowledge* (London: Routledge and Kegan Paul, 1958); and J.M. Ziman, *Public Knowledge* (London: Cambridge University Press).

[10] Karl Wallace, "The Substance of Rhetoric: Good Reasons," *The Quarterly Journal of Speech*, XLIX (October 1963), 239-249; Wayne Booth, *Modern Dogma and the Rhetoric of Assent* (Notre Dame: University of Notre Dame Press, 1974); Walter R. Fisher, "Toward a Logic of Good Reasons," *The Quarterly Journal of Speech*, 64 (December 1978), 376-384 and "Rationality and the Logic of Good Reasons," *Philosophy and Rhetoric*, 13 (Spring 1980), 121-130.

[11] Perelman, *The New Rhetoric*, p. 50. Aristotle says: "To praise a man is in one respect akin to urging a course of action." *Rhetoric* 1367^b 36. This and subsequent quotations are from *The Basic Works of Aristotle*, Richard McKeon, ed., (New York: Random House, 1941).

[12] Perelman, p. 51.

[13] Wallace, p. 244.

[14] Milton Rokeach, *The Nature of Values* (New York: The Free Press and London: Collier Macmillan Publishers, 1973), pp. 5-25.

[15] Malcolm Sillars and Patricia Ganer, "Premises for Argument: Beliefs and Values," in *Argumentation Theory and Research*, Charles A. Willard and J. Robert Cox, eds., (Carbondale: Southern Illinois University Press, 1982), in press. See also: Nicholas Rescher, *Introduction to Value Theory* (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1969), pp. 111-127.

[16] This discussion is based on my essay: Walter R. Fisher, "The Failure of Compromise in 1860-61: A Rhetorical View," *Speech Monographs*, XXXIII (August 1966), 364-371, which is in turn derived from my dissertation: "An Analysis of the Arguments in the Senate Debate on the Crittenden Compromise Resolutions, 1860-61," University of Iowa, 1960. The quoted passage appears on p. 366 of the article.

[18] Aristotle, *Topica* 100^a 18-21.

[19] Aristotle, *Topica* 100^b 21-23.

[20] Aristotle, *Topica* 100^b 23-26.

[21] Wilbur Samuel Howell, *The Rhetoric of Alcuin and Charlemagne: A Translation with an Introduction, the Latin Text, and Notes* (New York: Russell and Russell, Inc., 1965), pp. 47-48. See also: Maurice Natanson, "The Limits of Rhetoric," *The Quarterly Journal of Speech*, XLI (April 1955), 133-139.

[22] Raymond (Bud) Zeuscher and Charlene Arnold Hill, "Psychological Presumption: Its Place in Value Topic Debate," *Contributions on the Philosophy and Practice of CEDA*, Don Brownlee, ed., (1981), p. 20. See also: J. Michael Sproule, "The Psychological Burden of Proof: On the Evolution of Richard Whately's Theory of Persuasion," *Communication Monographs*, 43 (June 1976), 115-129.

[23] Ray W. Karras and James Veitch, "A Proposed Theory of 'Value' Debate," *Debate Issues*, 14 (April 1981), 3.

[24] Thomas Kane, "Should the National Intercollegiate Debate Topic be a Non-Policy Proposition? A Negative Statement," SCA convention papaer, Houston, 1975.

[25] Bernard L. Brock, "New Criteria for Selecting National Debate Questions," *Journal of the American Forensic Association*, 5 (Spring 1968), 43-47.

[26] David Zarefsky, "Argument as Hypothesis-testing," SCA convention paper, San Francisco, 1976. See also: David Zarefsky, "A Reformulation of the Concept of Presumption," CSSA convention paper, Chicago, 1972.

[27] Robert Trapp, "A Situationally-Guided Perspective for Propositions of Judgement (sic)," *Perspectives on Non-Policy Agreement*, Don Brownlee, ed., (Cross Examination Debate Association, 1980), p. 18.

[28] Patrick O. Marsh, "Is Debate Merely a Game for Conservative Players?," *Speaker and Gavel*, 1 (January 1964), 46-53.

[29] David Zarefsky, "Criteria for Evaluating Non-Policy Argument," *Perspectives on Non-Policy Argument*," Don Brownlee, ed., (Cross Examination Debate Association, 1980), pp. 9-16.

[30] Ronald J. Matlon, "Debating Propositions of Value," *Journal of the American Forensic Association*, 14 (Spring 1978), 199.

[31] Trapp, p. 20.

[32] "Recommendations on Theory and Practice," in Forensics as Communication: The Argumentative Perspective, James H. McBath, ed., (Skokie, Ill.: National Textbook Co., 1975), p. 29.

[33] Cited in Annabel Dunham Hagood, "Theory and Practice in Forensics," ibid., p. 102.

[34] Gerald R. Miller, "Questions of Fact and Value: Another Look," The Southern Speech Journal, 28 (Winter 1962), 116-122.

[35] Walter F. Terris, "The Classification of the Argumentative Proposition," The Quarterly Journal of Speech, 49 (October 1963), 266-273.

[36] George W. Ziegelmueller and Charles A. Dause, Argumentation: Inquiry and Advocacy (Englewood Cliffs, N.J.: Prentice-Hall, 1975), pp. 168-170, 179-181. See also: Gary Cronkhite, "Propositions of Past and Future Fact and Value: A Proposed Classification," Journal of the American Forensic Association, 3 (January 1966), 11-16.

[37] Barbara Warnick, "Arguing Value Propositions," unpublished paper.

[38] Jan Vasilius, "Presumption, Presumption, Wherefore Art Thou Presumption?," Perspectives on Non-Policy Argument, Don Brownlee, ed., (Cross Examination Debate Association, 1980), pp. 33-42.

[39] Marilyn J. Young, "The Use of Evidence in Value Argument: A Suggestion," in Proceedings of the Summer Conference on Argumentation, Jack Rhodes and Sara Newell, eds., (Falls Church, Va.: Speech Communication Association, 1980), pp. 287-295. See also: Bill Henderson, "Theoretical Implications of Debating Non-Policy Propositions," SCA convention paper, Washington, D.C., 1977; and Don Brownlee, "Advocacy and Values," Forensic (January 1980).

[40] See items in endnotes 37 and 38. See also: Jan Vasilius, "Value Proposition Debate: A Pragmatic Approach," Perspectives on Non-Policy Argument, Don Brownlee, ed., (Cross Examination Debate Association, 1980), pp. 49-59.

[41] Thomas A. Hollihan, "An Analysis of Value Argumentation in Contemporary Debate," Debate Issues, 14 (November 1980), 7-10.

[42] Matlon, pp. 202-203.

[43] Karras and Veitch, pp. 3-7.

[44] David A. Frank, "Proof and Models in Value Debate," Northwest Communication Association paper, Coeur d'Alene, 1981.

[45] Vasilius, "Value Proposition Debate: A Pragmatic Approach."

[46] Cited in "Responses to Future Goals and Roles of Forensics," Forensics as Communication, p. 95.

[47] "Prospect," ibid., p. 163.

[48] Steven Shiffren, "Forensics, Dialectic, and Speech Communication," Journal of the American Forensic Association, VIII (Spring 1972), 189.

[49] Fisher, "Rationality and the Logic of Good Reasons," pp. 127-128. See also: Douglas Ehninger, "Argument as Method: Its Nature, Its Limitations and Its Uses," Speech Monographs, 37 (June 1970), 101-110.

[50] Perelman, "Dialectic and Dialogue," in The New Rhetoric and the Humanities, p. 79. See also: Perelman and Tyteca, The New Rhetoric, Sections 6-7; and "Perelman on Ray," The Quarterly Journal of Speech, 66 (December 1980), 447-448.

[51] Toulmin, Rieke, and Janik, p. 332.

[52] Wallace, p. 244.

[53] Booth, p. 137.

[54] Wayne N. Thompson, Dale Hample, Steve Hunt, and Robert Pruett, "What is CEDA Debate?," Forensic, (Spring 1981), 4.

[55] Robert K. Norton, "Empirical Evidence on the Judging Criteria in Use in the Cross-Examination Debate Association," ibid., 10-14.

[56] M. Anway Jones, "CEDA vs. NDT: The Fact-Value Dichotomy Emerges in Educational Debate," ibid., 19.

[57] Fisher, "Toward a Logic of Good Reasons," pp. 370-380.

[58] Joseph W. Wenzel, "Toward a Rationale for Value-Centered Argument," Journal of the American Forensic Association, 13 (Winter 1977), 150-158. See also: Joseph W. Wenzel and Dale J. Hample, "Categories and Dimensions of Value Propositions: Exploratory Studies," Journal of the American Forensic Association, 11 (Winter 1975), 121-130; and Dale Hample, "Testing a Model of Value Argument and Evidence," Communication Monographs,

(June 1977), 106-120.

[59] Bruce Gronbeck, "From 'Is' to 'Ought': Alternative Strategies," Central States Speech Journal, 19 (Spring 1968), 31-39.

[60] John Angus Campbell and John Stewart, "Rhetoric, Philosophy, and Conversation," WSCA paper, San Jose, 1981.